

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NO.460 OF 2015
AND M.P.NO.1 OF 2015

1.Lakshmi
2.Balamurugan
3.Senthil Kumar
4.Balakrishnan

... Petitioners

Vs.

M.Gunavathi

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decreetal order dated 30.10.2014 passed in I.A.No.256 of 2014 in O.S.No.4 of 2012 by the learned II Additional District Judge, Chidambaram.

For Petitioners : Mr.Srinath Sridevan

ORDER

This Civil Revision Petition is directed against the order dated 30.10.2014 passed in I.A.No.256 of 2014 in O.S.No.4 of 2012 by the learned II Additional District Judge, Chidambaram.

2.The petitioners are the defendants in O.S.No.47 of 2011 on the file of the Principal District Judge, Cuddalore. The respondent as plaintiff had instituted the suit against the petitioners claiming 1/6th share in the suit properties and for separate possession. The plaintiff filed an application in I.A.No.256 of 2014 under Order VI Rule 17 of the Code of Civil Procedure seeking amendment of the pleading. In the affidavit filed in support of the amendment application, the plaintiff has averred that since all the records were with her brother, she did not have the details of the properties and after strenuous efforts, she was able to get full particulars of the properties. The plaintiff has further averred that some of the lands which belonging to her have been omitted earlier in the schedule of properties. The application was resisted by the defendants by filing counter affidavit. The learned II Additional District Judge, Chidambaram allowed the application on 30.10.2014.

3.Aggrieved by the order dated 30.10.2014, the present Civil Revision Petition is filed.

4.Mr.Srinath Sridevan, learned counsel for the petitioners vehemently contended that the plaintiff had knowledge about the properties, but deliberately filed the suit in respect of some of the properties and her application is belated one and hence, it cannot be entertained.

5.It is settled law that the Court should be liberal in considering the application for pre trial amendment. In this case, the plaintiff has stated that all the records relating to the properties were with her brother and she could not collect the full particulars of all the properties. Since the plaintiff is claiming right over the left out properties, the learned Trial Judge has rightly allowed the application. Hence, I do not find any illegality or irregularity in the order impugned in this Civil Revision Petition.

6.In the result, this Civil Revision petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

03.02.2015

Index : Yes/No
Internet : Yes/No
TK

To

The II Additional District Judge
Chidambaram.

K.KALYANASUNDARAM, J.
TK

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