



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 19.03.2015

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P (PD) (MD) No.546 of 2015

and

M.P (MD) No.1 of 2015

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1.K.Balasubramanian
2.K.Chandramohan
3.K.Radhakrishnan
4.K.Ravichandran
5.V.Monisha, minor,
represented through her mother and natural guardian
V.Ananthi.

6.K.Chandra ..Petitioners/Petitioners/Plaintiffs

Vs.

1.K.Sankaralingam
2.K.Susila,
3.K.Jeyabharathi ..Respondents/Respondents/Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying this Court to set aside the fair and decretal order dated 27.08.2014 passed in I.A.No.133 of 2014 in O.S.No.56 of 2013 on the file of the Additional District Judge-II, Tuticorin by allowing the Civil Revision Petition.

For Petitioner :Mr.S.Subbiah

ORDER

The Civil Revision Petition is filed by the plaintiffs in a suit for partition claiming 1/9th share in the plaint schedule properties. According to the plaintiffs, very recently, he was put in possession of certain documents from which he can understand that the suit schedule properties were self acquired properties and they are not joint family properties. Therefore he has filed an application in I.A.No.133 of 2014 for amending the plaint contending that they are not joint family properties but they are self acquired properties. This application is filed at the stage when the trial was commenced, P.W.1 was examined in chief and also being examined in cross. Though the amendment application is filed based on certain documents which the plaintiffs have found after the filing of the suit, no such documents is marked before the Court below along with the application. The trial Court also found that in the written statement also the defendants have admitted that the properties are self acquired properties of Kasi Nadar, As there is no evidence on the side of the plaintiffs to produce proof that the properties are self-acquired properties and hence the amendment application was rightly dismissed by the trial Court and there is no reason to interfere with the same. There is no merits in the Civil Revision Petition.



2. Accordingly, the Civil Revision Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar

/True copy/

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Sub Assistant Registrar

To
The Additional District Judge-II,
Tuticorin.

+1CC to M/s.S.Subbiah, Advocate in SR.13792

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vsn

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