

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(P.D.) No.3643 of 2014

1.Pappathi @ Muthammal

2.Kalaiselvi

3.Vasantha : Petitioners
versus

1. Ramachandran

2. Selvam

3. Duraisamy (deceased)

Marimuthu (died)

4. Sampoornam

5. Saroja

6. Manimehalai

7. Karthi

8. Kanagavalli

9. Gayathri

10. Meena

11. Veerammal : Respondents

PRAYER: Revision filed against the order dated 21.7.2014 in I.A.No.1979 of 2013 in O.S.No.44 of 2009 on the file of the I Additional District Court, Salem.

For petitioners :: Mr.V.Lakshminarayanan

For respondents :: Mr.N.Manoharan

ORDER

The petitioners filed an application before the Trial Court in I.A.No.1979 of 2013 to amend the plaint for the purpose of removing the second item of the suit property from the schedule. The application was dismissed by the learned I Additional District Court, Salem. The said order is under challenge in this civil revision petition.

2. The learned counsel for the petitioners contended that the petitioners wanted one item of property to be deleted from the plaint schedule. According to the learned counsel, such deletion would not prejudice the case of the respondents and as such, the learned Trial Judge was not correct in dismissing the application.

3. The learned counsel for the respondents 2, 3, 5 to 7 contended that the petitioners made an arrangement with some of the parties to deprive the other parties of their share in the property and as such, the application was rightly dismissed by the Trial Court.

4. The petitioners filed the suit for partition. The application for deletion of one item of property was filed only after examination of P.W.1. The petitioners have settled the matter with some of the parties. As per the settlement, the petitioners wanted deletion of one item of property from the plaint schedule. There is no question of deleting one item of property after

commencement of trial just because the petitioners have settled the matter with some of the respondents. The learned Trial Judge considered this issue and rightly rejected the application. I do not see any error or illegality in the said order warrant interference by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

5. In the upshot, I dismiss the civil revision petition. No costs. Consequently, M.P.No.1 of 2014 is dismissed.

17.11.2016

Index:Yes/no
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To
The I Additional District Court, Salem.

K.K.SASIDHARAN, J.

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