

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) No.4517 of 2014
and M.P.No.1 of 2014

1. Subramani
2. Gangadharan
3. Mininagamma
4. Anitha

... Petitioners

Versus

1. C.P.Munikrishnappa
2. C.P.Ramakrishnappa

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 12.11.2014 made in I.A.No.639 of 2014 in O.S.No.12 of 2009 on the file of the Subordinate Court, Hosur, Dharmapuri District.

For Petitioners : Mr.C.Prabakaran

For Respondents : Mr.S.C.Vishwanth

ORDER

The respondents filed a suit for partition in O.S.No.12 of 2009 before the Subordinate Court, Hosur. The suit was contested by the petitioners taking a plea that the respondents are not entitled to shares in the property.

2. The petitioners after examination of P.W.1 filed an application in I.A.No.639 of 2014 to file an additional written statement to set up a plea of oral partition. The learned Trial Judge having found that no such plea was taken in the written statement filed by the petitioners earlier dismissed the

application. Feeling aggrieved, the petitioners are before this Court.

3. Heard the learned counsel appearing for the petitioners and the learned counsel for the respondents.

4. There is no dispute that the petitioners have not taken the plea of oral partition initially. It was only after the cross examination of P.W.1, such a plea was taken. The initiation of subsequent application in I.A.No.639 of 2014 was a clear attempt to overcome the evidence adduced through P.W.1. There is no question of filing an additional written statement after the commencement of trial and that too on the basis of oral partition. The learned Trial Judge considered the issue and rightly rejected the application. I do not find any error or illegality in the order passed by the learned Trial Judge, warranting interference, by invoking the revisional jurisdiction under Article 227 of the Constitution of India.

5. In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

14.11.2016

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K.K.SASIDHARAN, J.
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To

The Subordinate Court,
Hosur, Dharmapuri District.

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