

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(P.D.) No.1173 of 2016 and

CMP.No.6414 of 2016

1.Palaniammal
2.Kannan
3.M.P.Kamalam @ Mallika

... Petitioners

Vs

1.Ravichandran
2.Sridevi
3.D.Manikkannan
4.Pushpam

... Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 18.09.2015 made in I.A.No.600 of 2013 in I.A.No.585 of 2005 in O.S.No.163 of 2005 passed by the learned District Munsif, Rasipuram, Namakkal District and allow this revision.

For Petitioners : Mr.S.Saravanan

For Respondents : Mr.P.Mathivanan

ORDER

The respondent filed final decree application before the Trial Court. The Trial Court passed a final decree in terms of the preliminary decree. Thereafter, an interlocutory application was filed in I.A.No.600 of 2013, to amend the final decree application. The said application was allowed by the Trial Judge. Aggrieved over the same, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. The respondents filed the final decree application originally to partition the property, in accordance with the preliminary decree. The preliminary decree was subsequently, amended and thereby, the share of the first respondent was increased. It was only to carry out the subsequent amendment in the preliminary decree the first respondent filed the application for amendment. It is therefore, very clear it was only to take note of the subsequent events, the petition in I.A.No.600 of 2013 was filed by the first respondent.

4. The Trial Judge taking note of the above facts has rightly allowed the application. I do not find any error in the order passed by the learned Trial Judge, warranting interference by this Court.

5. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.09.2016

smi

To

1. The District Munsif,
Rasipuram,
Namakkal District.

K.K.SASIDHARAN, J.

smi

C.R.P.(P.D.) No.1173 of 2016

23.09.2016