

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.2239 of 2016
and C.M.P.No.11622 of 2016

Dhanalakshmi

... Petitioner

Vs.

1.P.Ganeshan

2.P.Thangavel

3.Sandeep Ajendra

4.Nithin

5.Pappathi

6.S.Rajamani

7.Sundarambal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 20.07.2015 made in I.A.No.432 of 2014 in O.S.No.550 of 2008 on the file of the IV Additional District and Sessions Court, Coimbatore.

For Petitioner : Mr.T.Balaji

ORDER

Challenging the order passed in I.A.No.432 of 2014 in O.S.No.550 of 2008 on the file of the IV Additional District and Sessions Court, Coimbatore, the plaintiff has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.550 of 2008 for partition and separate possession.

3.The defendants filed their written statement and are contesting the suit. In the said suit, the plaintiff filed an application in I.A.No.432 of 2014 to amend the plaint. The application filed by the plaintiff was opposed by the defendants stating that the amendment sought for by the plaintiff cannot be allowed for the reason that the plaintiff has not given sufficient reason for amending the plaint. The trial Court, taking into consideration the case of both parties, dismissed the petition. While dismissing the petition, the trial Court also observed that the plaintiff, without adding the necessary and proper parties, has filed the amendment petition to include some more properties in the suit.

4.Mr.T.Balaji, learned counsel appearing for the petitioner submitted that in view of the observation given by the trial Court, liberty may be given to the plaintiff to implead necessary parties in the suit.

5.The finding of the trial Court for dismissing the petition is just and proper. I do not find any reason to interfere with the finding of the trial Court. In these circumstances, the Civil Revision Petition is devoid of merits

and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. It is open to the plaintiff to file appropriate petition before the trial Court for impleading necessary parties in the suit. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

29.07.2016

To

The IV Additional District and Sessions Court,
Coimbatore.

M.DURAIWAMY,J.
va

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