



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1387 of 2016

and

C.M.P (MD) No.6707 of 2016

S. Kalavathy

(Represented by her Power of
Attorney Agent Mr.M.R.Dinakaran)

.. Petitioner/Petitioner/
Plaintiff

Vs.

1. Chitra
2. Janaki

3. The Proprietor,
Ayyan Automobiles,
Palani Road,
Dindigul.

4. The Proprietor,
M/s.Wintech Infosys,
Palani Road,
Dindigul.

.. Respondents/Respondents
Defendants

PRAYER: Petition is filed under Article 227 of Constitution of India, to reverse and to set aside the fair order and decretal order in I.A.No.59 of 2015 in O.S.No.65 of 2009, dated 28.03.2016 on the file of the Additional District Judge, Dindigul.

For Petitioner :Mr.S.Ramesh

For Respondents :Mr.R.Pandi Maharaja

O R D E R

The petitioner filed a suit against the respondents in O.S. No.65 of 2009 before the Additional District Court, Dindigul for partition claiming half share in the suit properties and for possession.

2. The suit is being contested by the respondents. The Trial in the suit had commenced on 10.12.2014 and after examination of the witness by the plaintiff, D.W.1 was examined in chief. When



the suit was posted for cross examination of D.W.1, the petitioner/plaintiff filed an application in I.A.No.59 of 2015 under Order 6 Rule 17 of C.P.C., seeking amendment of the plaint to include a portion in the second item and to add one more item as item 3.

3. The learned District Judge dismissed the application observing that in the written statement filed by the first defendant, he has mentioned about the omission of some of the portions sold to G.R.Sekar and G.Thilagaraj under Sale Deed dated 30.04.1974 in the item No.2 of the suit property, and, after six years this petition came to be filed to prolong the case. Further, the petitioner wanted to incorporate third item in the suit property, alleging that the father of the petitioner had invested money in the various Companies including M.R.F., Tata Tea, Ramco Textiles, Seshasayee Papers and Board, Tamil Nadu Cements etc., and the petitioner is entitled for share in that investments also, however she has not furnished details of any of the shares.

4. Heard, Mr.V.Raghavachari, learned counsel for the petitioner and Mr.R.Pandi Maharaja, learned counsel for the respondents and perused the records.

5. In my considered opinion, the Trial Court has rightly dismissed the petition. Hence, I do not find any illegality or perversity in the order impugned in this Revision.

7. In fine, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

The Additional District Judge, Dindigul.

+1 CC to Mr.V.RAGHAVACHARI, Advocate, SR No.36652

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pmu

SH/GSV-PM:29.07.2016:2P/3C