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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1448 of 2016

and

C.M.P. (MD) No.7110 of 2016

K.M.KUMAR

.. PETITIONER/2ND RESPONDENT/
2ND DEFENDANT

Vs

1 KASTHURIBAI

.. RESPONDENT/PETITIONER/
PLAINTIFF

2 AMIRTHAM

3 GANDHIMATHI

4 PUSHPAVANAM

5 RAVIKALA

6 KOWSALYRANI

7 MALLIKA

.. RESPONDENTS/RESPONDENTS 1,3 TO 7/
DEFENDANTS 1, 3 TO 7

Prayer: Petition filed under Section 227 of Constitution of India to to call for the records relating to fair order and decreetal order dated 28.01.2016 made in I.A.No.353 of 2015 in O.S.No.22 of 2014 on the file of the learned Principal District Judge, Tirunelveli and to allow this CRP.

For Petitioner : Mr.T.Antony Arul Raj

ORDER

This Revision is directed against the order passed by the Principal District Court, Tirunelveli, in I.S.No.353 of 2015 in O.S. No.22 of 2014, dated 28.01.2016.

2. Heard the learned counsel for the petitioner and perused

<https://hds.e-courts.gov.in/mst/ver> records available on record.



3. The first respondent filed a suit in O.S.No.22 of 2014 against the petitioner and respondent Nos.2 to 7 claiming partition and separate possession. Further, the first respondent filed an application in I.A.No.353 of 2015 for amendment of the plaint to include some of the properties, stating that she is also having share in the properties.

4. In the affidavit filed in support of the petition, it has been stated that the plaint was filed with details available on the date of filing of the suit. In the written statement, the defendants have not given any particulars about the properties left out in the plaint schedule, however during cross examination they have stated that the properties to be included in the schedule have been left out.

5. The petition was objected by the petitioner by filing a counter stating that after commencement of the trial, the first respondent is not entitled for amendment of the pleadings. The learned District Judge taking into consideration the nature of the suit and the averments made in the affidavit, came to the conclusion that the amendment petition is to be allowed.

6. In such view of the matter, I do not find any perversity or illegality in the order impugned in this Revision. *In fine*, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub-Assistant Registrar

To

The Principal District Judge, Tirunelveli.
+One cc to Mr.T.Antony Arul Raj, Advocate, SR.No.40268
pmu
RL/3C/2P/DB/19/9/2016

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