



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2016

CORAM

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P. (MD) .No.393 of 2016 (PD)

and

C.M.P. (MD) .No.1732 of 2016

R.Rajeshkumar

... Petitioner

Vs.

1.Mr.T.S.Ramanan

2.Mrs.R.Maheswari

3.Miss.Nalini Deepika

4.Minor.R.Sivasurya

rep by his natural guardian

and father Mr.T.S.Ramanan

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decreetal order dated 08.06.2015 in I.A.No.104 of 2015 in O.S.No.103 of 2013 in the Court of II Additional District Judge, Tiruchirappalli.

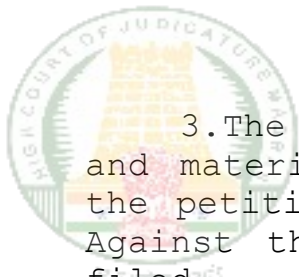
For Petitioners

:Mr.S.C.Herold Singh

ORDER

The petitioner is the first plaintiff and the respondents are the defendants in the suit in O.S.No.103 of 2013. The petitioner and the second plaintiff filed a suit for partition. As far as the item No.3 of the suit property is concerned, the petitioner and the second plaintiff claimed partition of said item by six equal shares and allot $1/6^{\text{th}}$ share to each, to petitioner and 2^{nd} plaintiff by metes and bounds instead of dividing into three equal shares. Subsequently, the petitioner filed I.A.No.104 of 2015 for amendment of plaint to amend the prayer with regard to the Item No.3 instead of $1/6^{\text{th}}$ share as $1/3^{\text{rd}}$ share to each of the plaintiffs and the first defendant.

2.The first respondent filed counter affidavit and contested the matter stating that the reason given by the petitioner is that by an inadvertence, a mistake crept in, is not correct. He has correctly stated that the shares as $1/5^{\text{th}}$ and calculated the Court Services, eCourts.gov.in/hcservices/. The petitioner has come out with the present application at the argument stage, which is not maintainable.



3.The learned Judge, after considering the facts of the case and materials on record, dismissed the application holding that the petitioner has not given any reason for amending the plaint. Against the said order, the present civil revision petition is filed.

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4.The learned counsel for the petitioner contended that the learned Judge has erred in holding that the petitioner has not given any reason for amending the plaint. In the plaint itself, the petitioner has averred that in the suit property the 3rd item is an ancestral property in the hands of the plaintiff and the first defendant. The learned Judge not correct in dismissing the application.

6.Heard the learned counsel appearing for the petitioners and I have carefully perused the entire materials on record.

7.Originally the petitioner filed 1/6th in the 3rd item of the suit properties. Now, he claims 1/3rd share in the suit property. The petitioner has not given any valid reason for seeking amendment in the plaint, at the stage, when the suit is posted for arguments. The learned Judge has considered all these aspect and dismissed the application. Therefore, there is no illegality and irregularity in the said order and it does not warrant any interference by this Court.

8.In the result, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

The II Additional District Judge,
Tiruchirappalli.

+1cc to Mr.S.C.Herold Singh, Advocate, Sr.No.10074

ns

JM/SKS-RR/15.04.2016/2P-3C

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