

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.03.2017

CORAM :

The Hon'ble Mr.JUSTICE K.K.SASIDHARAN

C.R.P.(PD) No.2108 of 2014
and M.P.No.1 of 2014

S.Balamurali

...Petitioner

Vs.

1. Smt.Sellammal
2. Smt.Periakkal
3. Smt.Rathinam
4. Smt.Dhanalakshmi
- 5.Smt.Renuka Devi
6. A.Rangasamy
7. N.P.Aruchamy
8. R.Periyasamy
9. V.Sathya
10. N.A.Senthilkumar

...Respondents

Prayer : The Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and final orders dated 06.07.2013 passed by the learned III Additional Subordinate Judge Court of Coimbatore in I.A.No.62 of 2013 in O.S.No.337 of 2010.

For Petitioner .. Mr.K.P.Chandrasekaran

For Respondents... Mr.Ilanthiraiyan-R1 to R5
R6 to R10 given up

ORDER

This Revision Petition is directed against the order dated 06.07.2013 on the file of the learned III Additional Subordinate Judge, Coimbatore in I.A.No.62 of 2013 in O.S.No.337 of 2010, in and by which, the interlocutory application filed for amending the plaint was allowed.

2. The respondents filed a suit for partition in respect of 4.63 acres including 2.00 acres of land already sold by their father. The petitioner filed a written statement, wherein, it

was indicated that they are not in possession of the entire suit property. According to the petitioners, out of 4.63 acres of land owned by Arunachala Gounder, 2.00 acres of land was sold to Maruthachala Gounder on 15.12.1982. Therefore, the only available extent is 2.63 acres. The respondents, therefore filed an interlocutory application in I.A.No.62 of 2913 for amendment of the plaint. The application was allowed notwithstanding the counter filed by the petitioner raising objection regarding maintainability of the application filed at a belated stage. Feeling aggrieved, the petitioner is before this Court.

4. I have heard the learned counsel appearing for the parties.

5. There is no dispute that the respondents initially filed a suit for partition in respect of 4.63 acres of land. It was only on account of the contention taken by the petitioner in the written statement, that the respondents are in possession only an extent of 2.63 acres, the respondents got the inspiration to file the subject application for amendment. The petitioner is now opposing the order passed by the trial Court permitting the amendment, notwithstanding the contention taken by him in the written statement. I do not find any ground made out by the petitioner to take a different view and reject the amendment.

In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected MP is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

suk

To

The III Additional Subordinate Judge,
Coimbatore.

+1cc to Mr.Sai Bharath & Ilan, Advocate, S.R.No.17720

C.R.P.No.2108 of 2014

NR II (CO)
RS (18/04/2017)