

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) No.3410 of 2017
and C.M.P.No.15876 of 2017

1. Parvathi
2. Chithra
3. Kanakeswari
4. Pushparani

... Petitioners

Vs.

1. Valliammal
2. Lakshmi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 06.07.2017 in I.A.No.420 of 2017 in O.S.No.717 of 2010 on the file of the Principal Subordinate Judge, Tiruppur.

For Petitioners : Mr.C.R.Prasanan

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ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 06.07.2017 in I.A.No.420 of 2017 in O.S.No.717 of 2010 on the file of the Principal Subordinate Judge, Tiruppur.

2. By virtue of amendment, the respondent has sought inclusion of one more item, which is left out in the suit property. The trial Court considering the contention of both the parties has allowed the amendment and permitted the respondents/plaintiffs to include the house property, which is left out.

3. The grievance of the petitioners is that the respondents/plaintiffs should have gathered all the materials and evidence before filing the suit and it cannot be said at the time of trial, that, by including the property, which is left out, nature of the suit will not change.

4. The petitioners are always entitled to file an additional written statement against the amendment made and to put forward their defence to protect their rights. That being so, the amendment ordered by the trial Court need not be set aside.

4. Therefore, I do not find infirmity in the order 06.07.2017 in I.A.No.420 of 2017 in O.S.No.717 of 2010 passed by the trial Court.

Further, it is open to the petitioner to raise all consequential issues including jurisdiction before the trial Court and this Court cannot decide all the issues.

5. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

20.09.2017

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To

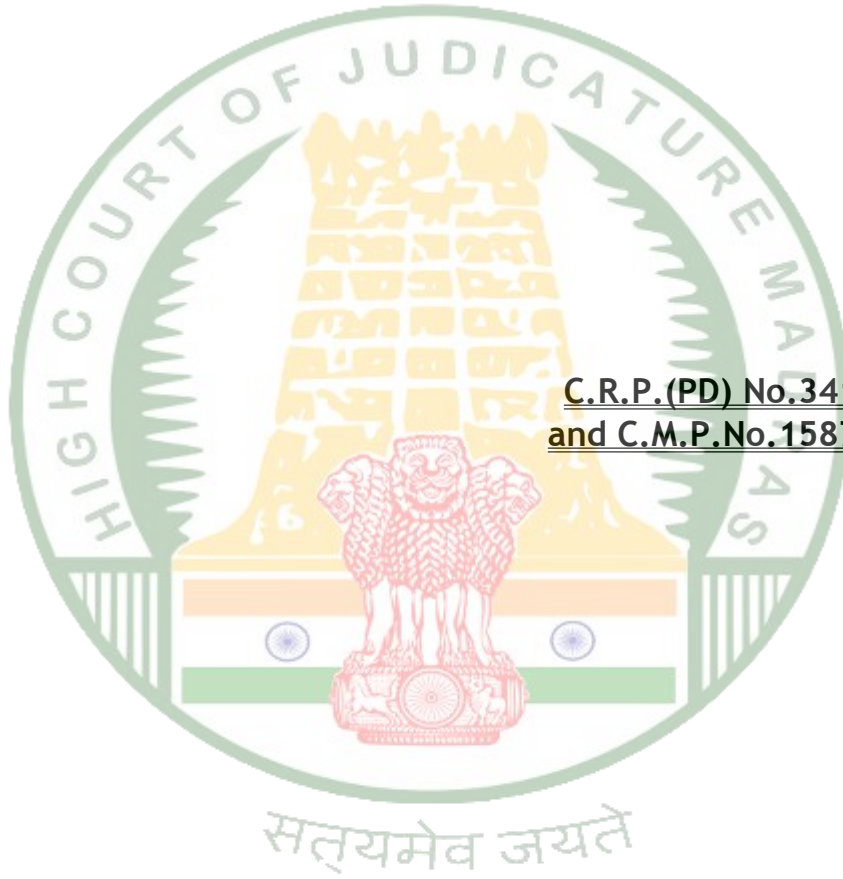
The Principal Subordinate Judge, Tiruppur.



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M. GOVINDARAJ, J.

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