

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.415 of 2014
& M.P.No.1 of 2014

Devaki

.. Petitioner

Vs.

1.R.Thirupathy
2.R.Manivel
3.Minor R.Sathiya

4.The Competent Authority and
Special District Revenue Officer
(L.A.NG.7,45 & 47) Salem,
Krishnagiri District at Krishnagiri

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decretal order dated 31.01.2011 made in I.A.No.426 of 2011 in O.S.No.45 of 2009 on the file of the Principal Subordinate Court, Krishnagiri.

For Petitioner : Mr.J.Hariharan
for Mr.V.Nicholas

For Respondents : No Appearance

ORDER

The Civil Revision Petition is filed against the fair and decretal order dated 31.01.2011 made in I.A.No.426 of 2011 in O.S.No.45 of 2009 on the file of the Principal Subordinate Court, Krishnagiri.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The petitioner is the defendant and fourth respondent is the plaintiff in O.S.No.45 of 2009 on the file of the Principal Subordinate Court, Krishnagiri. The fourth respondent filed the said suit for recovery of money i.e., compensation amount paid for the land, belonging to one Ramu, husband of the petitioner and father of the respondents 1 to 3 acquired for the purpose of National Highways Authority. The compensation amount was paid to the petitioner. Subsequently, minor children/respondents 1 to 3 claimed their share of compensation stating that they are living with their mother Sumathy, who is the second wife of deceased Ramu and they are not living with the petitioner. In view of the said claim, the fourth respondent filed the above suit. The respondents 1 to 3 filed

I.A.No.21 of 2011 for impleading themselves as plaintiffs 2 to 4 in the said suit. The said application was allowed and they were directed to pay the Court fee of Rs.36,291/- for their claim. The respondents 1 to 3 paid Court fee and filed the present application in I.A.No.426 of 2011 for consequential amendment.

4. The petitioner filed counter affidavit and opposed the said application contending that the present amendment sought for by the respondents 1 to 3 are introducing new cause of action and new case and their claim is barred by limitation.

5. The learned Judge considering the averments made in the affidavit, counter affidavit and materials on record, allowed the application holding that the amendment sought for by the respondents 1 to 3 is only a consequential amendment and it does not introduce any new cause of action, new case and claim of the respondents 1 to 3 is not barred by limitation. The learned Judge has considered all the above facts and allowed the application on the ground that present application is only for consequential amendment and the learned Judge has given cogent and valid reason. The learned Judge has given cogent and valid reason. In the

circumstances, there is no irregularity or illegality warranting interference with the order passed by the learned Judge dated 31.01.2011.

6. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

31.10.2017

Index : Yes/No
dm/kj

To

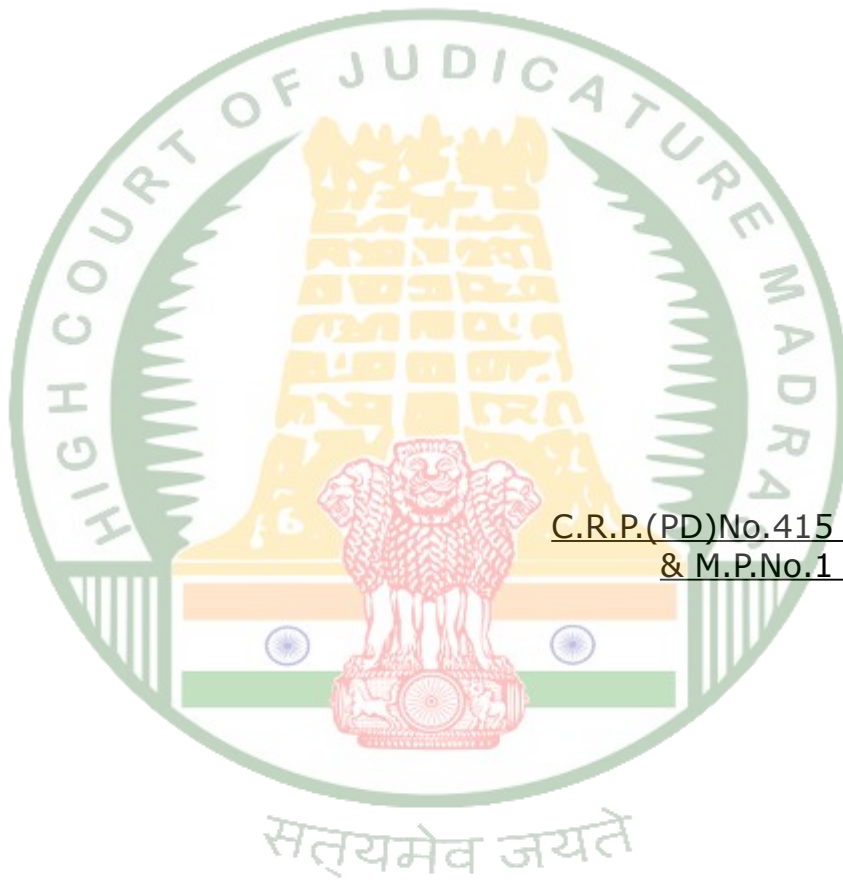
- 1.The Principal Subordinate Judge,
Krishnagiri.
- 2.The Competent Authority and
Special District Revenue Officer
(L.A.NG.7,45 & 47) Salem,
Krishnagiri District at Krishnagiri.

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V.M.VELUMANI, J.

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