

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

C.R.P.(PD)No.2464 of 2015
and M.P.No.1 of 2015

1.Periyasamy

... Petitioner

Vs.

1.Sundarathal

2.Susila

3.Vasanthi

4.Lingathal

5.Meganathan

6.Kaliammal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 21.04.2015 passed in I.A.No.873 of 2014 in O.S.No.249 of 2005 on the file of the District Munsif Court, Avinashi.

For Petitioner : Mr.K.Govi Ganesan

ORDER

Challenging the fair and final order passed in I.A.No.873 of 2014 in O.S.No.249 of 2005 on the file of the District Munsif Court, Avinashi, the plaintiff has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.249 of 2005 for partition. The defendants filed their written statement and are contesting the suit.

3.The trial Court framed issues and took up the matter for trial. After the completion of oral evidence and when the suit was posted for arguments, the plaintiff took out an application in I.A.No.873 of 2014 seeking for amendment of the plaint.

4.When the suit was filed in the year 2005, the present application has been filed seeking for amendment only in the year 2014, that too, when the suit was posted for arguments. The trial Court has rightly found that the application has been filed at a belated stage and if the application is allowed, the defendants would be put to hardship and prejudice. The oral evidence was closed on 08.10.2014 and the suit was adjourned for several dates for arguments and the present application was filed only on 14.11.2014. Since the application was filed at a belated stage, the trial Court has rightly dismissed the petition.

5.In these circumstances, I do not find any reason to interfere with

the order passed by the trial Court. The Civil Revision Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

23.03.2017

To

The District Munsif Court,
Avinashi.

**M. DURAISWAMY, J.
va**

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