

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2018

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P.(PD).No.3573 of 2013

&

M.P.No.1 of 2013

1.H.Lalith Kumar Sorrana
2.Anumanmal Sowcar
3.Semalkar
4.Vasanth Bai

.. Petitioners

..Vs..

Hemalatha

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India against the order and decree dated 15.04.2013 made in I.A.No.503 of 2012 in O.S.No.88 of 2011 on the file of the learned District Munsiff, Chengalpattu.

For Petitioners

:Mr.S.Ramesh

For Respondent

:Mr.A.V.Arun

ORDER

The instant revision has been filed challenging the order dated 15.04.2013 passed by the learned District Munsiff, Chengalpattu in I.A.No.504 of 2012 in O.S.No.88 of 2011.

Brief facts leading to the filing of the revision:

2. The petitioners are the defendants in the suit O.S.No.88 of 2011. Originally, the suit was filed by the respondent for permanent injunction restraining the petitioners/defendants from interfering with her peaceful possession and enjoyment of the suit schedule property. Written statement was also filed by the petitioners/defendants in the suit. Thereafter, I.A.No.503 of 2012 in O.S.No.88 of 2011 was filed by the respondent/plaintiff seeking to amend the relief in the plaint filed in O.S.No.88 of 2011 to include the relief of declaration. A counter was also filed by the petitioners in I.A.No.503 of 2012. The Trial Court by its order dated 15.04.2013 allowed the amendment application I.A.No.503 of 2012 filed by the respondent.

3. Aggrieved by the order dated 15.04.2013 passed in I.A.No.503 of 2012, the instant revision has been filed.

Submissions of the learned counsels:

4. Heard, Mr.S.Ramesh, learned counsel for the petitioners and Mr.A.V.Arun, learned counsel for the respondent.

5. According to the learned counsel for the petitioners, since the value of the suit schedule property is more than Rs.25 lakhs, the court below does not have pecuniary jurisdiction to allow the relief sought for in I.A.No.503 of 2012 and further, he would submit that I.A.No.503 of 2012 was filed by the respondent beyond the period of limitation. Therefore according to him, the Trial Court ought to have dismissed the application filed by the respondent.

6. Per contra, learned counsel for the respondent would submit that the respondent/plaintiff is the absolute owner of the suit schedule property and after filing of the plaint in the written statement, the petitioners/defendants have claimed that she has purchased a portion of the suit schedule property from one Angammal. According to the learned counsel for the respondent, since the petitioners have disputed the exclusive ownership of the suit schedule property, the respondent was constrained to file an application namely I.A.No.503 of 2012 in O.S.No.88 of 2011 seeking to amend the plaint to include the relief of declaration that she is the absolute owner of the suit schedule property.

Discussion:

7. This Court has perused and examined the impugned order. Admittedly, the amendment application was filed by the respondent/Plaintiff, before commencement of trial. Since the petitioners have denied the title of the respondent over the suit schedule property in their written statement, it has been necessary for the respondent to amend the plaint by adding the prayer of declaration. In the considered view of this Court, the Trial Court has rightly allowed the impleading application.

8. This Court is in agreement with the findings of the Trial Court and does not find any merit in the instant revision. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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21.12.2018

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking orders

To
The District Munsiff,
Chengalpattu.



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ABDUL QUDDHOSE, J.

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