

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 430 of 2018
and
C.M.P. No.2280 of 2018

Manonmani alias
Mani Ammal

.. Petitioner

Vs

Perumal

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair Order and Decreetal Order dated 05.12.2017 in I.A.No.595 of 2017 in O.S.No.8 of 2014 on the file of the Learned District Judge, District Court Hall No.II at Kancheepuram.

For Petitioner : Mr.R.Chandrasudan

ORDER

This Revision Petition is filed seeking to set aside the Fair Order and Decreetal Order dated 05.12.2017 in I.A.No.595 of 2017 in O.S.No.8 of 2014 on the file of the Learned District Judge, District Court Hall No.II at Kancheepuram.

2. The petitioner has filed the suit in O.S. No. 8 of 2014 for partition and claiming $\frac{1}{2}$ share in the suit property. The respondent filed his written statement and objected the averments made in the plaint on 10.03.2014. Subsequently, the petitioner filed an Application in I.A. No. 595 of 2017 to amend the plaint in the aforesaid suit. The court below dismissed the aforesaid application. Against the same, the present revision petition is filed.

3. According to the petitioner, she filed the suit for partition and due to a mistake the amendment application was not filed at an earlier stage. It is further pleaded that if the said application is not allowed, the petitioner would be put to great loss and hardship. Further, the petitioner has not raised any new plea in the affidavit, changing the character and nature of the suit. Therefore, no prejudice would be caused to the respondent, if the said application is allowed.

4. Considered the facts of the case, the submission of the learned counsel for the petitioner and perused the material available on record.

5. Admittedly, the case of the petitioner is that originally the property was coparcenary properties and now the new plea raised by stating that property is a self acquired property. In the aforesaid suit, evidence of both sides concluded and both sides arguments have been concluded. At this stage, the present application is filed, the petitioner has not satisfied under Order 6 Rule 17 of CPC for amendment of the application, unless the petitioner satisfies the Court, the amendment application cannot be allowed. In the absence of any satisfactory reasons, the trial court has rightly dismissed the application. Hence, this Court finds no error or illegality in the order passed by the court below and the same is confirmed.

6. Therefore, the Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

Index : Yes/ No
Speaking order/ Non speaking order
[Issue order copy on 02.05.2018]
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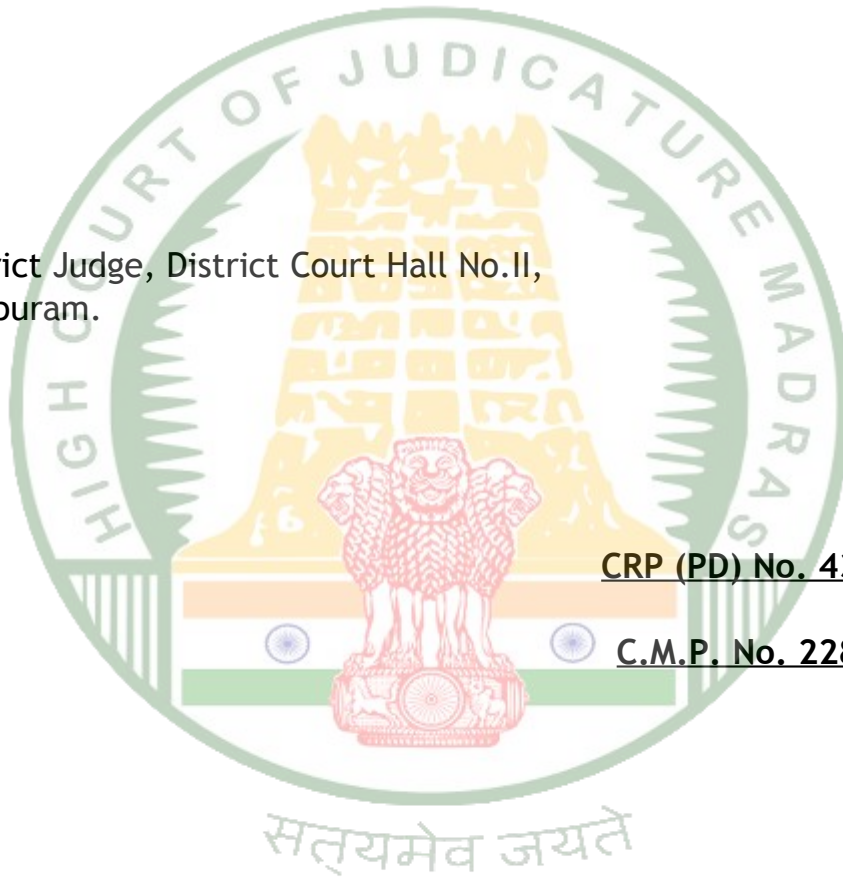
13.02.2018

D. KRISHNAKUMAR J.,

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To

The District Judge, District Court Hall No.II,
Kancheepuram.



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