



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2018

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THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

C.R.P. (MD) No.254 of 2015
and
M.P. (MD) .No.1 of 2015

1.G.R.Vasanthi
2.K.P.Vasumathi
3.G.A.Vanaja

.. Petitioners / Respondents /
Plaintiffs

Vs.

1.K.A.Lankaram
2.K.A.Mohan Ram
3.K.A.Sethuraman
4.K.A.Devika
5.Minor. K.A.Poojashri

.. Respondents / Petitioners /
Defendants

PRAYER: Petitions filed under Article 227 of Constitution of India, praying to set aside the order passed in I.A.No.210 of 2014 in O.S.No.6 of 2012, dated 16.09.2014, on the file of the learned VI-Additional District Judge, Madurai.

For Petitioners : Mr.N.Vallinayagam

For Respondents : Mr.M.S.Suresh Kumar

ORDER

The revision petition has been filed by the respondents / defendants, challenging the order passed by the learned VI-Additional District Judge, Madurai, in I.A.No.210 of 2014 in O.S.No.6 of 2012, dated 16.09.2014.

2. The revision petitioners/plaintiffs filed a suit in O.S.No.6 of 2012 for partition against the respondents/defendants. Subsequently, The respondents herein/defendants filed an application in I.A.No.210 of 2014 in O.S.No.6 of 2012, to include the petition mentioned property as one of the Suit schedule property. Since, the suit was filed for partition, the properties mentioned by the defendants can also be included and the same may be decided by the Trial Court, along with the Suit. Thereafter, the learned VI-Additional District Judge, Madurai, allowed the application in I.A.No.210 of 2014 in O.S.No.6 of 2012, by order, dated 16.09.2014. Against the said order, this Civil Revision Petition has been filed by the petitioners/plaintiffs.



3. I have heard the learned counsel appearing for the revision petitioners / plaintiffs and the learned counsel appearing for the respondents and perused the records carefully.

4. On a perusal of the impugned order shows that the learned VI-Additional District Judge, Madurai has rightly allowed the application in I.A.No.210 of 2014 in O.S.No.6 of 2012, by order, dated 16.09.2014 and this Court finds that by allowing the said application, nothing will be prejudiced to the petitioners / plaintiffs. Therefore, this Court do not find any irregularity or illegality in the said order, warranting interference of this Court.

5. In the result, this Civil Revision Petition is dismissed by confirming the order passed by the learned VI-Additional District Judge, Madurai, in I.A.No.210 of 2014 in O.S.No.6 of 2012 with the following directions:

i) The petitioners / plaintiffs are directed to file the amended plaint within a period of two weeks from the date of receipt of the copy of this order.

ii) Both the petitioners/plaintiffs and the respondent/defendants are at liberty to let evidence in appropriate manner in respect of WILL after filling the additional written statement and reply statement.

iii) The learned VI-Additional District Judge, Madurai, is directed to dispose the suit in O.S.No.6 of 2012, within a period of four months thereafter."

No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To
1. The VI-Additional District Judge,
Madurai.

2. The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court,
Madurai.



+1CC to Mr.M.S.Suresh Kumar, ADVOCATE,SR.No.60575
+1CC to Mr.N.Vallinayagam, ADVOCATE,SR.NO.60600

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PJL

PS/KKR/SAR 1/16.05.2018/3P/5C