



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.10.2018
CORAM
THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P (MD) (PD) .No.2352 of 2018
and
C.M.P (MD) .No.10455 of 2018

1.Maniappan
2.Muthuselvi

... Petitioners

-vs-

1.Sivagurunathan
2.Chellappa
3.Thillai

4.The Tahsildar,
Tahsildar Office,
Radhapuram Taluk,
Tirunelveli District.

5.The District Collector,
Tirunelveli District.
Tirunelveli.

...Respondents

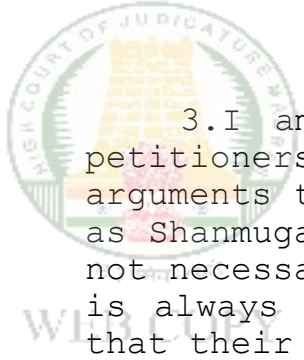
PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 01.08.2018 passed in I.A.No.550 of 2018 in O.S.No.51 of 2013 on the file of the Subordinate Court, Valliyoor by allowing this Civil Revision Petition with cost.

For Petitioners : Mr.V.Meenakshisundaram
For R4 & R5 : Mr.M.Karuppasamy
Government Advocate

ORDER

The plaintiffs in O.S.No.51 of 2013 on the file of the Subordinate Court, Valliyoor, are the revision petitioners herein. It is a suit for partition. After the commencement of the trial, the revision petitioners filed I.A.No.550 of 2018 for amending the cause title. They wanted to introduce an alias name for their father. This amendment application was opposed by the defendants, who contended that an admission made during cross-examination is now sought to be over come in the guise of this amendment. The said contention of the defendants was accepted by the Court below and I.A.No.550 of 2018 came to be dismissed. The same is challenged in this Civil Revision Petition.

2.Heard the learned counsel appearing for the revision
<https://hcservices.ecourts.gov.in/hcservices/>
petitioner.



3.I am of the view that it is always open to the revision petitioners to contend before the Court below at the time of arguments that their father Shanmugavelayutham Naiker was also known as Shanmugavel. This amendment application according to me is really not necessary. Even in the absence of such amendment application, it is always open to the revision petitioner to canvass the argument that their father had an alias name, as contended by him.

4.With this observation, the order impugned in this Civil Revision Petition is sustained and this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The Sub Judge, Valliyoor.

2.The Tahsildar,
Tahsildar Office,
Radhapuram Taluk,
Tirunelveli District.

3.The District Collector,
Tirunelveli District.
Tirunelveli.

Copy To:

The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

+1CC to Mr.D.NALLATHAMBI, Advocate, SR.No.91730
+1CC to the Special Government Pleader SR.No.91787

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and
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RMK
ES/SKN/RSK/SAR 2/03.12.2018/2P/8C