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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.1433 of 2018 (PD)
and
CMP(MD)No.6163 of 2018

Muthupillai ... Petitioner/Petitioner/Plaintiff
Vs.

1.Samaiyaal

2.A.Palanikumar

3.A.Malairaja

4.A.Kannan

5.A.Sasikumar

6.A.Rakaiah

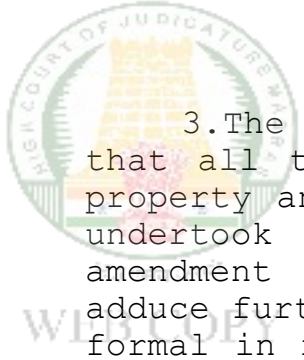
7.Meenal ... Respondents/Respondents/Defendants

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A No.493 of 2016 in O.S No.588 of 2013 dated 27.04.2018 by the II Additional Subordinate Court, Madurai.

For Petitioner : Mr.N.Tamilmani
For Respondents : No appearance (for R1 to R7)

ORDER

The plaintiff in O.S No.588 of 2013 on the file of the II Additional Sub Court, Madurai is the revision petitioner herein. It is a suit for partition. When the matter was posted for arguments, the plaintiff wanted to amend the plaint. She, therefore, filed I.A No.493 of 2016. The said I.A was originally allowed. The same was questioned. The matter was remitted to the file of the trial court for passing orders afresh. But, after remand, the court below had chosen to dismiss the amendment application. This is challenged in this civil revision petition.



3. The learned counsel for the revision petitioner submitted that all that the petitioner wants is addition of one item of property and reduction of her share from 1/2 to 1/3. He also undertook that the petitioner would be satisfied with formal amendment of the plaint and that she would not seek leave to adduce further evidence on this aspect. Since the amendment is only formal in nature, this Court is of the view that the same can very well be allowed. Of course, the defendants would be at liberty to file additional written statement if they so want. The order impugned in this civil revision petition is set aside and this civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The II Additional Subordinate Judge,
Madurai.

+1CC to Mr.N.Tamilmani, Advocate, SR.No.84190

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SKM

ES/SKN/RSK/SAR 4/16.10.2018/2P/3C