



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (PD) (MD) No.1780 of 2016

1.P.V.Vijaya Rengan
2.P.V.Chakrapani

... Petitioners/Petitioners/
1&2 Defendants

Vs.

K.K.Venkatalakshmi

... Respondent/Respondent/Plaintiff

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A No.1058 of 2015 in O.S No.121 of 2014 dated 24.03.2016 on the file of the VI Additional District Court, Madurai.

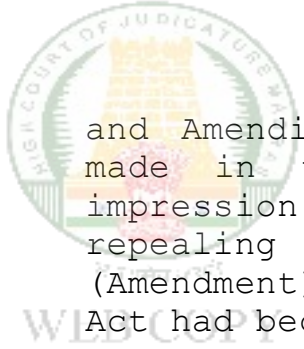
For Petitioners : Mr.T.R.Subramanian
For Respondent : Mr.V.Venkateshvaran

ORDER

The defendants 1 and 2 in O.S No.121 of 2014 on the file of the VI Additional District Judge, Madurai are the revision petitioners herein. The said suit is one for partition. The sister is the plaintiff while the defendants are her two brothers and sisters. After the trial commenced and plaintiff's evidence was closed, the revision petitioners herein wanted to file an additional written statement. Therefore, seeking leave of the court, they filed I.A No.1058 of 2015. The said I.A was dismissed. Questioning the same, this civil revision petition has been filed.

2.Heard the learned counsel on either side.

3.The learned counsel appearing for the revision petitioners submitted that he only wants to take a legal plea in order to highlight the statutory change that has taken place. This Court was initially of the view that the revision petitioner can be given such permission since he only wants to raise a legal point. But then, on a closer scrutiny, it is seen that the revision petitioners have been under erroneous impression that Repealing



and Amending Act, 2015 (No.17 of 2015) repealed the amendments made in the year 2005 to the Hindu Succession Act. The impression of the revision petitioners is clearly wrong. The said repealing Act actually repealed the Hindu Succession Act (Amendment) Act, 2005 since the amendments introduced by the said Act had become a part of the main statute.

4. Therefore, the Repealing and Amendment Act 2015 has not made any change to the legal scenario. Therefore, there is no justification in seeking to file additional written statement. In this view of the matter, the order impugned in this civil revision petition is sustained. This civil revision petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The VI Additional District Judge, Madurai.

2. The Section Officer, V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr. T.R. SUBRAMANIAN, ADVOCATE IN SR No. 88886

SKM

TE/SKN/SAR-4 : 15/11/2018 : 2P/5C

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