



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 05.02.2018

CORAM :

THE HONOURABLE MRS. JUSTICE S. RAMATHILAGAM

WEB COPY

CRP (PD) (MD) No. 392 of 2011
and M.P. (MD) No. 1 of 2011

1. Muthukannu
2. Kumar
3. Jeyapal

... Petitioners/Petitioners/Plaintiffs

vs.

1. Mahamuni
2. Ramachandran (given up not necessary)
3. Kavitha
4. Kannaki
5. Jayanthi
6. Rajagopal

7. The Village Administrative Officer,
Gunaseelam Village,
Musiri Taluk,
Trichy District.

8. The Tahsildar,
Musiri,
Musiri Taluk,
Trichy District.

9. The Revenue Divisional Officer,
Musiri,
Musiri Taluk,
Trichy District.

10. The Government of Tamil Nadu,
Represented by,
District Collector,
Trichy, Trichy District. .. Respondents/Respondents/defendants

PRAYER: Petition filed under Article 227 of the Constitution of India, against the decree and order dated 02.12.2010 passed in I.A.No.536 of 2009 in O.S.No.98 of 2005, on the file of the District Munsif, Musiri.

For Petitioners : No appearance
For R1 : Mr.K.Govindarajan
R2 : Given-up
For R3 to R10 : No appearance

**ORDER**

This Civil Revision Petition has been filed against the order dated 02.12.2010 passed in I.A.No.536 of 2009 in O.S.No.98 of 2005, on the file of the District Munsif, Musiri.

2. It is averred in the petition that the suit in O.S.No.98 of 2005 has been filed by the petitioners seeking the relief of declaration and permanent injunction. The petitioners came to know about execution of partition deed dated 23.10.1961 only at the time of trial and therefore, they have filed an Interlocutory Application in I.A.No.536 of 2009 to amend the plaint, in order to avoid multiplicity of proceedings. But, the trial Court failed to consider the said fact and dismissed the Interlocutory Application.

3. The learned counsel for the first respondent would strongly denied the contentions of the petitioners. He would submit that the petitioners themselves admitted the execution of the partition deed dated 23.10.1961 during the cross examinations of PW.1. He further submitted that the suit is at the stage of trial and the trial court has rightly dismissed the Interlocutory Application filed by the petitioners.

4. Heard the learned counsel appearing for the first respondent and perused the entire materials available on record.

5. After analyzing the facts, the trial Court has found that the petitioners are not the parties in the partition deed dated 23.10.1961. Hence, in the absence of any reliable facts the application filed for amendment was not considered by the trial Court and the same was dismissed.

6. Considering the facts and circumstances of the present case on hand, I am of the considered view that there is no infirmity in the order passed by the District Munsif, Musiri in I.A.No.536 of 2009 in O.S.No.90 of 2005, which does not warrant interference by this Court and this civil revision petition is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To,
The District Munsif, Musiri.

+ 1 cc TO Mr.K.Govindarajan , Advocate in SR No. 46311

CM

AE/JC/SAR1/06.04.2018/2P/3C

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