

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

CORAM :**THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR****C.R.P. (PD) No.2671 of 2010 &****M.P.No.1 of 2010**

Mrs.Uma

.. Petitioner

Vs.

1. Mr.Krishnamoorthy
2. Mrs.Radha Ammal (died)
3. Mr.Mohan
4. Mrs.Geetha
5. Mrs.Jayanthi
6. The Joint Sub Registrar I
O/o.Joint Sub Registrar,
Cheyyar Town,
Thiruvannamalai Distirct.

Lrs of deceased R2 as per the memo dated 18.09.2018
vide Court Order dated 18.09.2018 made in CRP.No.
2671 of 2010

.. Respondents

PRAYER: Civil Revision Petition filed under 227 of Constitution of India against the Order and Decretal Order dated 14.06.2010 passed by the Principal District Munsif cum Judicial Magistrate No.I, Cheyyar, Thiruvannamalai District in I.A.No.989 of 2009 in O.S.No.283 of 2005.

For Petitioner : Mr.G.Senthil Kumar

For Respondents : Mr.P.Mani – R1

R3 and R5 – No appearance

R.4 & R6 – Batta with copy due

ORDER

This revision has been filed as against the Order of the trial Court dismissing the application filed under Order VI Rule 17 for amendment in the suit schedule properties on the ground that certain items have been omitted to be included in the suit.

2. The trial Court has dismissed the application mainly on the ground that the application has been filed belatedly and has been filed only to protract the proceedings of the trial.

3. It is well settled that in a suit for partition all the properties have to be included to avoid any future complications. If certain properties are not included, the suit will be hit by partial partition. Therefore, mere inclusion of some items of properties in the schedule of properties, no prejudice will be caused to the other side, since the parties can very well agitate their rights in the suit itself. Hence, this Court is of the opinion that the trial Court dismissing the application is not

proper.

4. Accordingly, this Civil Revision Petition is allowed and the Order of the trial Court is set aside. The trial Court shall grant time to the petitioner to amend the plaint and file amended copy within 10 days from the date of receipt of a copy of this Order and thereafter, dispose of the suit in O.S.No.283 of 2005 within a period of 6 months. Consequently, the connected miscellaneous petition is closed. No cost.

27.02.2019

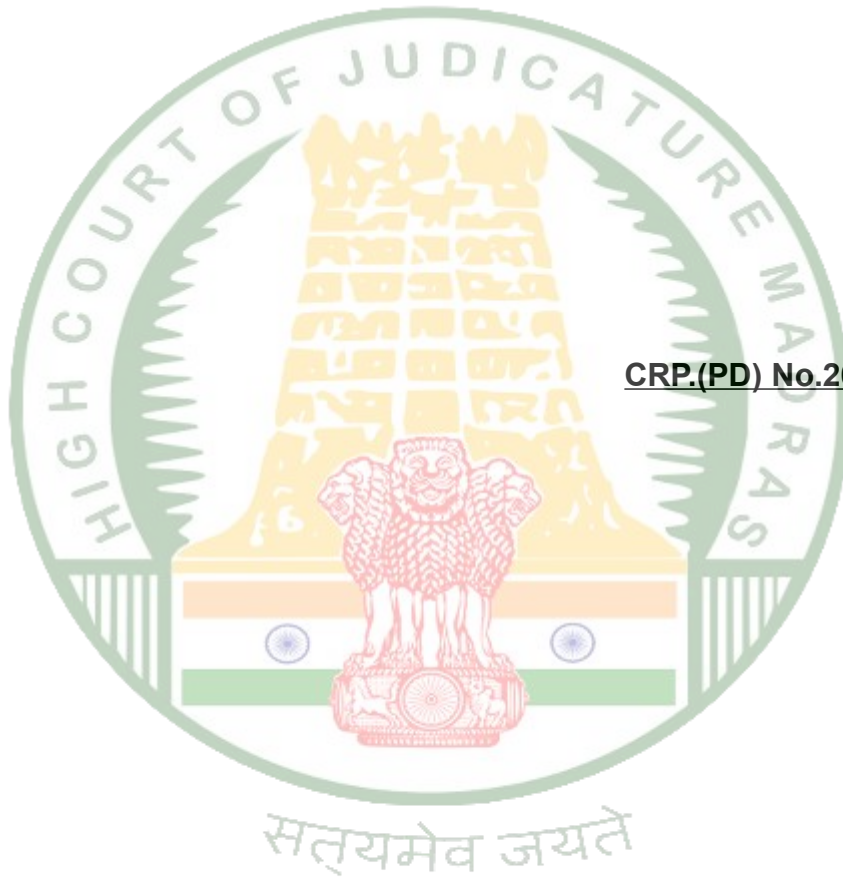
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To

The Principal District Munsif cum Judicial Magistrate No.I,
Cheyyar, Thiruvannamalai District.



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CRP.(PD) No.2671 of 2010

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