

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 09.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P. (PD) No. 313 of 2015

and

M.P. No. 1 of 2015

Thangamuthu

...Petitioner

Vs

Padmavathy

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Judgement and Decree passed in I.A.No.274 of 2014 in O.S.No.94 of 2013 dated 07.10.2014 pending on the file of the learned District Munsif cum Judicial Magistrate Court, Kodumudi.

For Petitioner : Mr.N.Umapathi

For Respondent : Mr.S.Kaithamalai Kumaran

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ORDER

The prayer sought for in the present revision petition is to set aside the Judgement and Decree passed in I.A.No.274 of 2014 in O.S.No.94 of 2013 dated 07.10.2014 pending on the file of the learned District Munsif cum Judicial Magistrate Court, Kodumudi.

2. The learned District Munsif, Kodumudi, by observing that the issue

as to whether the properties which are sought to be included in the plaint are the properties of the petitioner herein, can be looked into at a later point of time and thereby allowing the application for amendment, cannot be found fault with for the reason that there were sufficient materials before the Court to establish the title of the properties.

3. The present order has been passed only for the purpose of bringing certain properties which are alleged by the respondent herein, as belonging to the petitioner herein. If at all the petitioner is of the view that the properties which are sought to be included in the suit schedule, are not his properties, it is always open to him to establish the same during the course of trial or final arguments. Hence, no interference is required in the impugned order passed by the trial Court allowing the amendment application.

4. Accordingly, the present Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

09.01.2019

Index:Yes/No

Speaking order: Yes/No

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M.S.RAMESH.,J

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