

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(PD).No.809 of 2019

&

C.M.P.No.5317 of 2019

1.Tharabai

2.Shanmugasundaram

3.Muthukrishnan

...Petitioners

Vs

1.Deivanai ammal

2.Kamala

3.Indira

4.Dhanalakshmi

5.Ganapathi

6.Velmurugan

7.Bhuvaneswari

8.Thilakarasi

9.Bavani

10.Anandi

11.Jaya

12.Rajeswari

13.Geetha

14.Amsavalli

15.Savithri

16.Kalaiselvi

17.T.K.Ravi

18.M.U.G.Thirumavalavan

19.R.Rajmohan

20.K.Karthikeyan

21.K.Tamisharasan

22.V.T.Raja

23.Saichandra

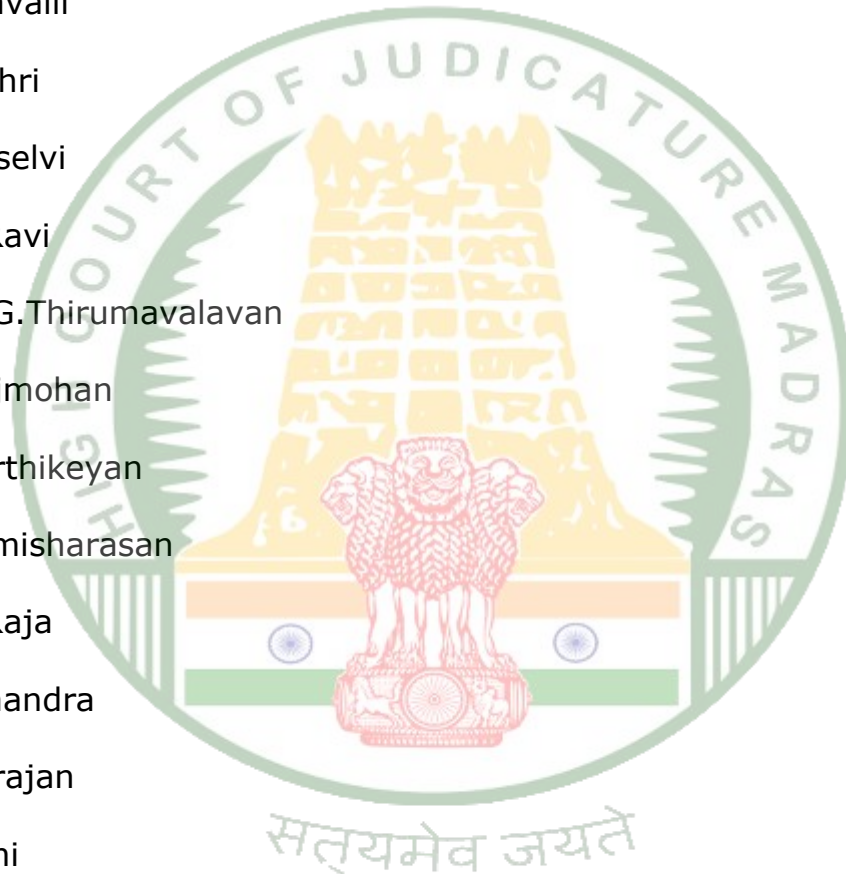
24.Natarajan

25.Santhi

26.Nagarajan

27.Raj

... Respondents



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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order passed in

I.A.No.182 of 2018 in O.S.No.232 of 2012 on the file of the II Additional District Judge, Chidambaram, order dated 01.12.2018.

For Petitioners : Mr.S.Veeraraghavan

For Respondents : M/s.R.Meenal

ORDER

The above Civil Revision Petition is filed by the defendants 1, 10 and 11, challenging the order passed by the learned II Additional District Judge, Chidambaram in I.A.No.182 of 2018 in O.S.No.232 of 2012 in allowing the amendment petition filed by the plaintiffs.

2.The said amendment relates to the suit Item No.5 of the property. The amendment was necessary on account of the defense which has been taken by the defendants 1, 10 and 11 that suit Item No.5 is not the trust property and that it is a private property. The written statement in the above suit has been filed in the month of January 2018 and the same defense has been reiterated in the additional written statement which has been filed on 18.07.2018. Since the original written statement had been filed, the plaintiffs have

taken up the application seeking to amend the prayer by introducing an alternative relief of partition and separate possession of the 2/7th share in suit Item No.5 that in the event of the Court coming to the conclusion that suit Item No.5 is not trust property then the plaintiffs are entitled to relief of partition in respect of suit Item No.5.

3.It is seen that amendment has been taken at the very first instance when the defendants have filed their written statement. I find no infirmity in the order passed by the learned II Additional District Judge, Chidambaram in allowing the amendment petition. The Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

01.03.2019

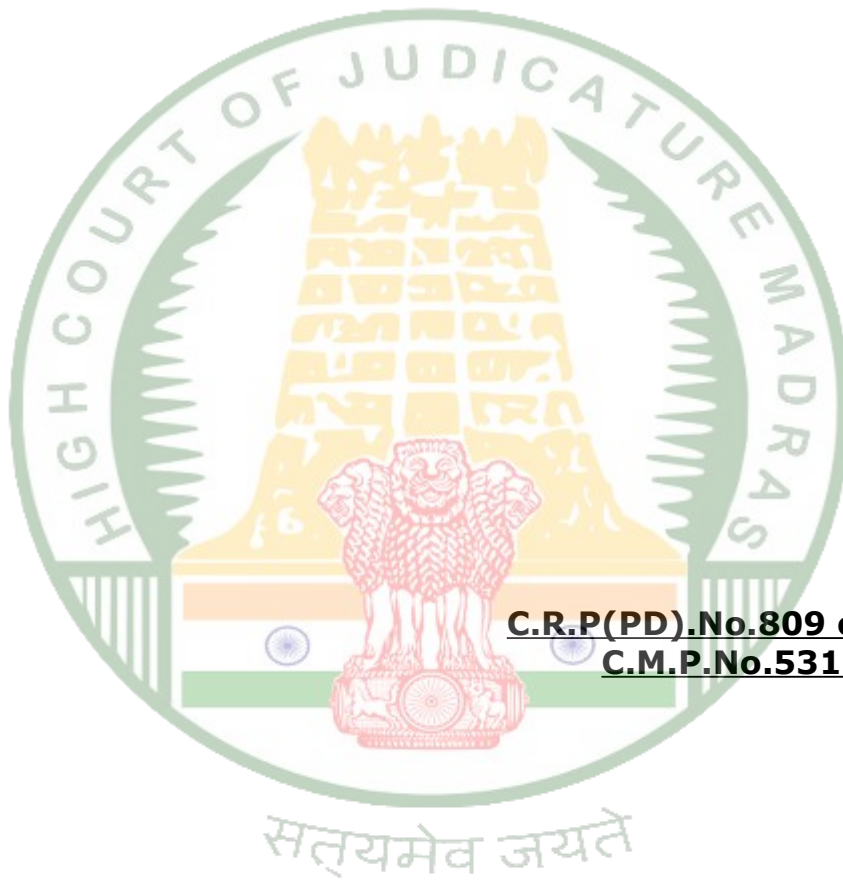
kan
Index : Yes/No
Speaking order/non-speaking order

To,
The II Additional District Judge,
Chidambaram.

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P.T.ASHA, J.,

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