

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.02.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(NPD).No.2157 of 2018
and
C.M.P.No.13426 of 2018

1.Kesavan
2.Murugan
3.Soundarajan
4.Ramu
5.Thenarasu

...

Petitioners

-VS-

1.Geetha
2.Gunasekara

...

Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code to allow this Civil Revision Petition and set aside the fair and decretal order dated 31.10.2017 made in I.A.No.1511 of 2017 in O.S.No.356 of 2014 passed by the learned District Munsif, Madurantakam.

For Petitioners : Mr.V.Ramana Reddy
For Respondents : Mr.K.Govi Ganesan

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned District Munsif, Madurantakam, in I.A.No.1511 of 2017 in O.S.No.356 of 2014 in and by which the learned District Munsif, had allowed the plaintiff to file additional pleadings.

2.The brief facts are as follows:

The plaintiffs namely, the respondents herein, had filed the suit O.S.No.356 of 2014 on the file of the learned District Munsif, Madurantakam, for declaration of their title to the suit property and for recovery of possession. In the suit, they had traced their title to the suit property to their grandfather Chinnamuniyan and father Kattan. He would thereafter state that the defendants had trespassed into the property and also manipulated the revenue records and included their name. This was in the original pleadings.

3. Thereafter, the amendment petition was filed only to bring to the notice of this Court in the earlier suit between the father of the defendants herein and the grandmother and the mother of the plaintiffs in

O.S.No.359 of 1969, which was filed for a declaration and recovery of possession and that the suit had been decreed in favour of the plaintiffs' grandmother and mother. Thereafter, in execution proceedings in E.P.No.259 of 1974 on the file of the learned District Munsif, Chengalpattu the property was also handed over to the plaintiffs therein. The plaintiffs have submitted that since they are very small children then they were not aware about the suit which was initially instituted and the elders in the village had given them details and thereafter, they have made a search for the various records and the additional pleadings were sought to be filed. The additional pleadings were filed only to add more details to the plaintiff's claim and did not result in a change either in the cause of action or the subject matter of the suit. This application was allowed and challenging the same, the defendants are before this Court. The suit filed was ordered.

4.From a reading of the additional pleadings, it is clear that the plaintiffs have not set up any new case and on the contrary, only adding the facts to substantiate their claims of the ownership to the suit property. No prejudice is going to be caused to the defendants if the additional pleadings are taken on file. The learned District Munsif has rightly

considered this matter and permitted the defendants to file their additional written statement. Since there is no infirmity in the order passed by the learned District Munsif, Madurantakam, the Civil Revision Petition stands dismissed. No costs. Consequently, Connected Civil. Miscellaneous Petition is closed.

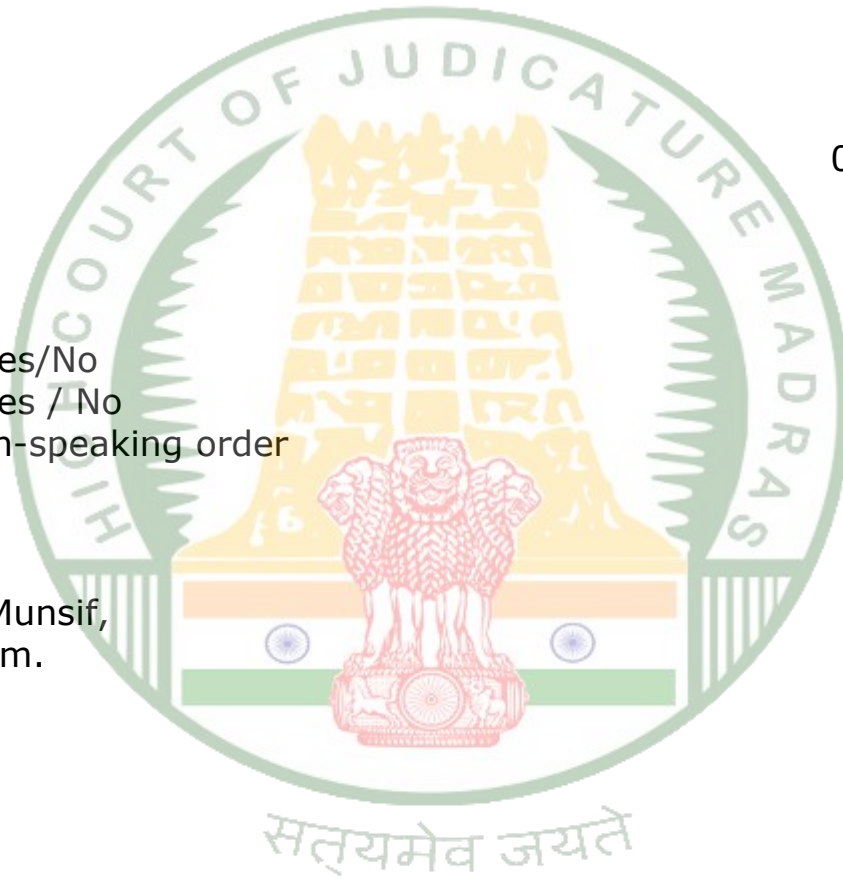
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Index : Yes/No
Internet : Yes / No
Speaking/non-speaking order

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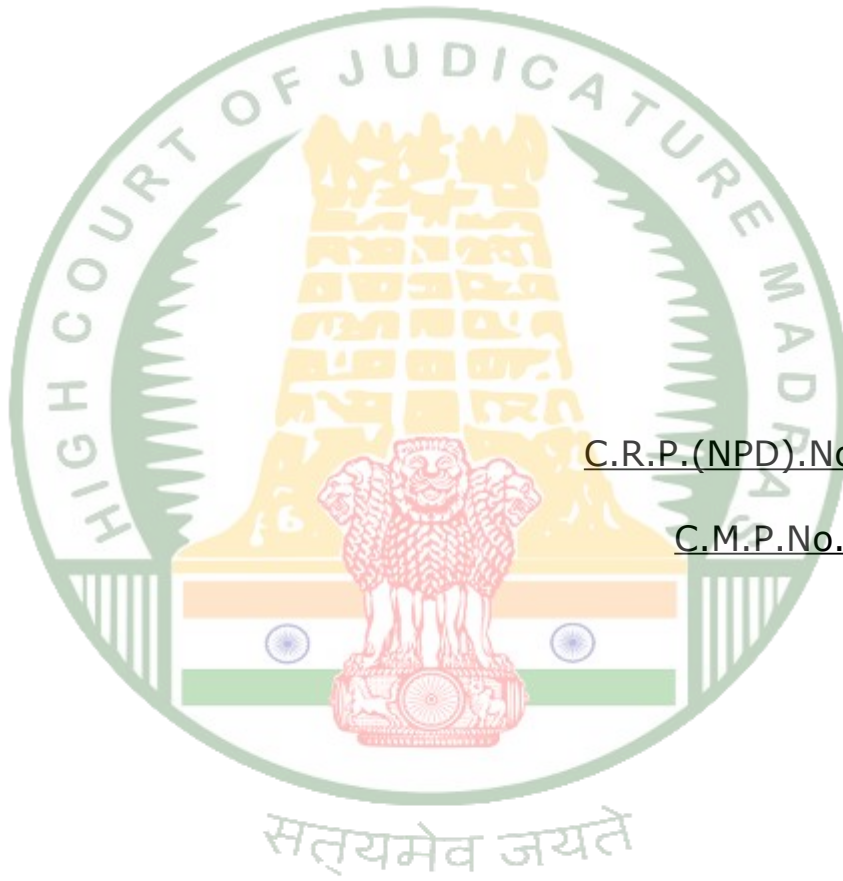
The District Munsif,
Madurantakam.



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P.T.ASHA. J,

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