

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(NPD).No.1561 of 2019

and

C.M.P.No.10206 of 2019

R.S.Karunamoorthy

..Petitioner/18th Defendant

Vs.

Karupathal(Died)

1.Nanjammal

2.Marathal

3.Kuppusamy

4.Marimuthu

5.Velusamy

6.Palanisamy

7.Santhamani

8.Kanniammal

9.Vasanthi

..Respondents 1-9/Plaintiffs

10.Kaliappan

11.Subathal

12.Lakshmi

13.Poovathal

14.Papee (alias) Pappammal

15.Natarajan

16.Rangathal

17.Venkatachalam alias Venkatachalamoorthy

18.Poovathal

19.Maanikathal

20.Maruthathal

21.Lakshmi

22.Lakshmanan

23.Ramathal

24.Dhanavanthan

25.Mahalingam

26.Thamaraisamy ..Respondents/Defendants 1-17

This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and final order and decree passed by the learned III Additional Subordinate Judge of Coimbatore dated 27.11.2018 in I.A.No.676 of 2018 in O.S.No.946 of 2012.

For Petitioner : Mr.Mathuvanthi Mathavan

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned III Additional Sub Judge, Coimbatore in I.A.No.676 of 2018 in O.S.No.946 of 2012, in and by which, the learned Judge has allowed the amendment to be effected in the schedule of property in keeping with the written statement that has been taken out by the respondent.

2 It is seen that the application for amendment has been taken out at the time when the matter was posted for arguments. However, considering the fact that the amendment does not effect any change to the character or the nature of the suit, the learned Judge had allowed the same and this Court does not find any infirmity in the order, though, Mrs.Mathuvanthi Mathavan, learned

counsel for the petitioner would vehemently oppose the same by stating that by allowing the amendment their entire defence would be affected.

3 In my considered opinion, the defence does not in any manner get changed because, it is only the extent of the property that has been reduced and neither the pleadings nor the property has been amended. This Court does not find any infirmity in the order passed by the learned III Additional Sub Judge, Coimbatore.

4 In the result, the Civil Revision Petition stands dismissed and order passed in I.A.No.676 of 2018 in O.S.No.946 of 2012, by the learned III Additional Sub Judge, Coimbatore, stands confirmed. No costs. Consequently, connected miscellaneous petition is also closed.

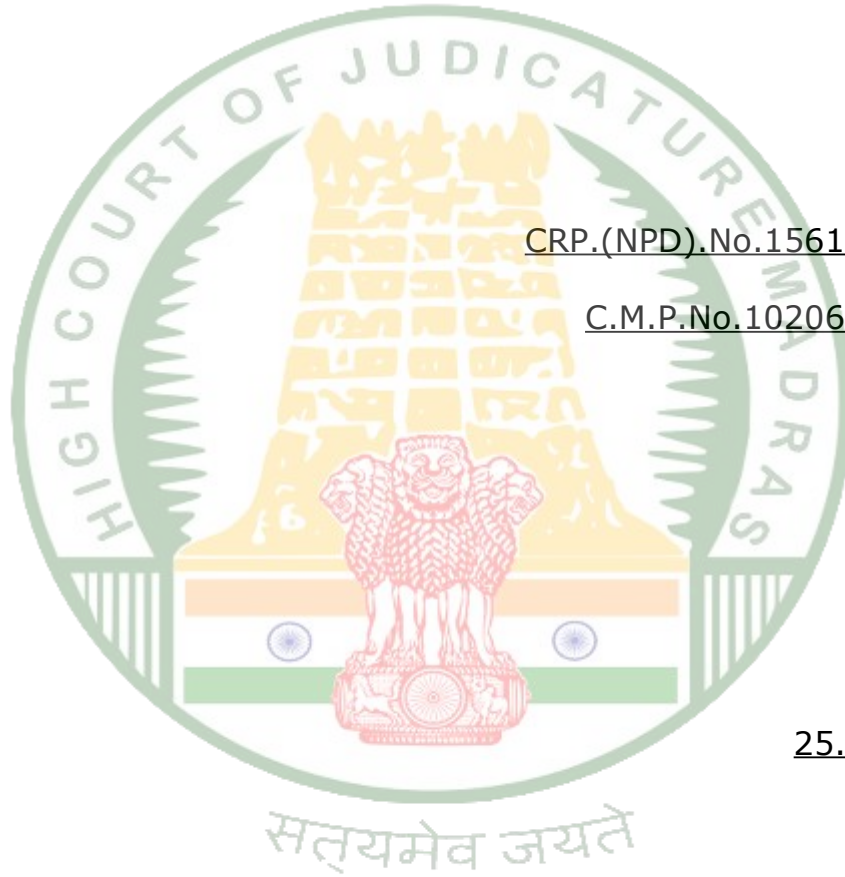
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25.04.2019

dua
Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

To
The III Additional Subordinate Judge,
Coimbatore.

P.T.ASHA, J.
dua



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