

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2019

CORAM

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

CRP.(PD).No.1565 of 2019

R.Gunasekaran ..Petitioner/2nd Defendant

Vs.

1.Srinivasan

2.S.Dharshan

3.Minor. Kavidharshika

D/o.Srinivasan

(Represented by her father/

guardian 1st respondent)

..Respondents/Plaintiffs

This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside order dated 12.02.2019 in I.A.No.1 of 2019 in O.S.No.109 of 2013, on the file of the learned District Munsif, Rasipuram.

For Petitioner : Mr.M.Sivavarthanan

ORDER

The above Civil Revision Petition is filed challenging the dismissal of the application filed by the second defendant in I.A.No. 1 of 2019 in O.S.No. 109 of 2013, seeking to recast the issues framed by the Court.

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From the perusal of the affidavit, it is seen that the petitioner wanted two issues to be included, one with reference to the measurement of the property and second with reference to the identity of the properties, which are the subject matter of the suit. A

perusal of the issues, that have been framed by the Court below clearly shows that the first issue is whether the description of the suit properties is correct and this in my considered opinion covers the two issues that the second defendant seeks to have by way of recasting the issues. That apart, the third issue deals with the issue as to whether the plaintiff is entitled to a partition as claimed. The two issues, very well cover the issues that is now sought to be introduced of the second defendant. The learned Judge had rightly observed that there is no necessity to re-cast the issue, as the issues already framed covers the controversy between the parties. I do not find any infirmity in the order passed by the learned Judge.

3 In the result, the Civil Revision Petition stands dismissed and order passed in I.A.No.1 of 2019 in O.S.No.109 of 2013, by the learned District Munsif, Rasipuram, dated 12.02.2019 is confirmed. No costs.

सत्यमेव जयते

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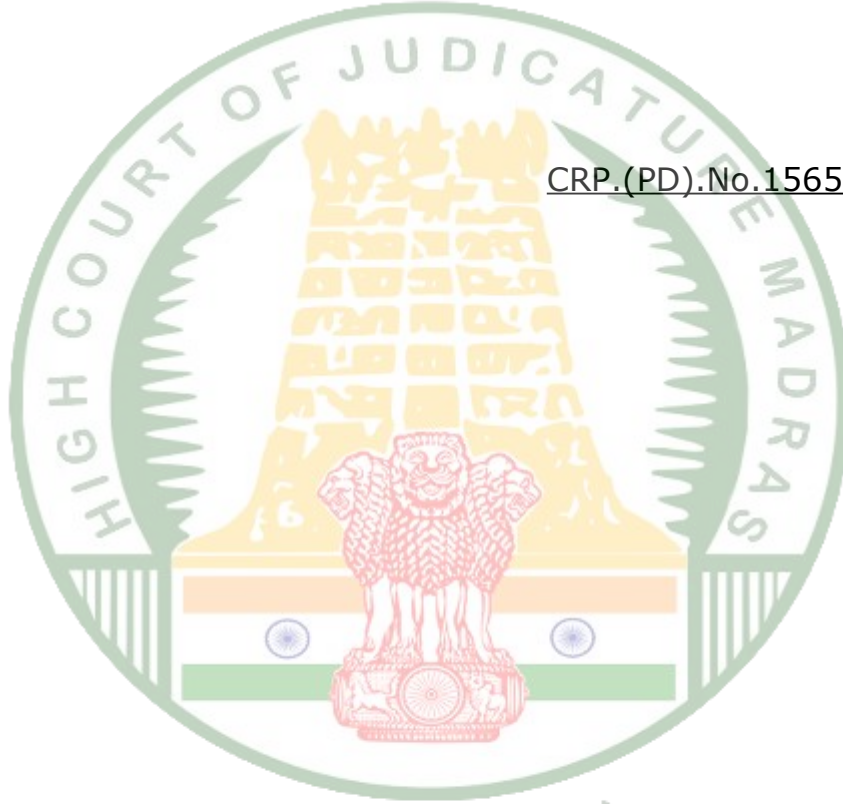
25.04.2019

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

The District Munsif,
Rasipuram.

P.T.ASHA, J.

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