

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2019

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

CRP.Nos.7,8 and 9 of 2018
and C.M.P.No.28 of 2018

- 1.Sajjan Rao
- 2.Govardhan Rao
- 3.Venkoba Rao
- 4.Gajendra Rao
- 5.Saminath Rao

.. Petitioners in the above CRPs

Vs

- 1.Bhoopalan
- 2.Suresh Kumar
- 3.K.Srinivasa Rao
- 4.K.Subramania Rao
- 5.K.Gopinath Rao
- 6.K.Ramachandra Rao
- 7.Leela Bai
- 8.Kalyani Bai
- 9.Janki Bai
- 10.Geetha Bai
- 11.GowriSankar
- 12.Veerendra Rao
- 13.R.Deepak Rao
- 14.L.Subramania Rao
- 15.L.Danoji Rao
- 16.K.L.Manjunatha Rao
- 17.L.Ragavendra Rao
- 18.K.L.Gubendra Rao
- 19.K.Ganesh Rao
- 20.Chini @ Sujaritha
- 21.Sudha Rani

22.Sub Registrar, Joint I,
Krishnagiri.

23.District Registrar,
Krishnagiri.

24.DIG,
Registration Department,
Collectorate, Salem.

25.District Collector,
Krishnagiri.

.. Respondents in the above CRPs

Common Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, 1950, against the Order and Decreeal Order in I.A.No.578, 579 and 580 of 2017 in O.S.No.228 of 2012, on the file of the District Munsif, Krishnagiri, dated 06.10.2017 is illegal, manifestly erroneous and wholly without jurisdiction and even otherwise liable to be set aside at limine.

For Petitioners in all CRPs: Mr.V.Raghavachari

For Respondents in all CRPs: Not ready in notice - R1,R2 & R8

: No appearance for R3 to R7,
R9 and R10, R12 to R17 and R20 to R25
: Mr.A.R.Karthik Lakshmanan
for Mrs.A.L.Gandhimathi
for R18 and R19

C O M M O N O R D E R

The above Civil Revision Petitions have been filed challenging the orders passed by the learned District Munsif, Krishnagiri, in I.A.No.578 to 580 of 2017 in O.S.No.228 of 2012 on the ground that it is illegal, manifestly erroneous and wholly without jurisdiction.

2. The Interlocutory Application in I.A.No.578 of 2018 has been filed to reopen the suit for cross examination of DW1; I.A.No.579 of 2018 has been filed under Order 18 Rule 17 to recall the defendants side witness/DW1 for further cross examination; I.A.No.580/2017 has been filed under Order 6 Rule 17 to amend the plaint.

3. All the above petitions have been filed on the ground that the plaintiffs wanted to amend the plaint to include a pleading with reference to the adverse possession.

4. The suit had been filed by the revision petitioners/plaintiffs (O.S.No.228 of 2012) on the file of the learned District Munsif, Krishnagiri, for declaration of the title to the suit property and permanent injunction. In the plaint, it is contended that the suit property is the Hindu, ancestral and undivided family property of the plaintiffs and that the plaintiffs' father late Narasinga Rao is the common ancestor and they have been in continuous possession and enjoyment of the property from the time of death of their father. In the amendment petition, they seek to introduce a

sentence at the end of the paragraph 8, which reads as follows:

"Further it is submitted that the plaintiffs possess the properties for more than 100 years from the period of their forefather's ancestrally and hence they have been in continuous possession and enjoyment of the suit properties by "Adverse Possession" also.

And at all the other places wherever it occurs."

5. The said application were vehemently resisted by the respondents, inter alia contending that it is a post trial amendment and would result in the character of the suit being changed. They would also submit that no convincing reasons had been put forward by the plaintiffs for the delay in bringing about the said applications.

6. The learned District Munsif, Krishnagiri, after hearing either parties, dismissed all the applications stating that the plaintiffs have not given any convincing reasons for the amendment, and further, examination of DW1 and the applications were moved when the case was posted for arguments.

7. Challenging the said orders, the revision petitioners are before this Court. Though the revision petitions are disposed of by way of this common order, the order passed in the CRPs filed against the order in I.A.No.580/2017 would enure to the other orders passed by the Court below. The affidavit, which is filed in respect of the amendment petition does not give any reasons as to why the amendment petition is being moved, at such a belated stage, that too at the stage, when the matter is listed for arguments of the parties, except for stating that due to inadvertence it was not filed earlier. "There is no other reason given by the revision petitioners". If at this stage, the amendment is ordered, then proceedings would once again be pushed back to the stage of the pleadings and it would pave for witnesses entering the box once again. This cannot be entertained at the stage of arguments.

8. The Court below has correctly dismissed the applications and I find no infirmity in the said order. As already stipulated, the order passed in Civil Revision Petition in C.R.P.No.7 of 2018 would automatically enure to the other revision petitions also.

9. In the result, the Civil Revision Petitions stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

msv

To

1. The learned District Munsif,
Krishnagiri.
2. Sub Registrar, Joint I,
Krishnagiri.
3. District Registrar,
Krishnagiri.
4. DIG,
Registration Department,
Collectorate, Salem.
5. District Collector,
Krishnagiri.

+1 CC to Mrs.A.L.Gandhimathi, Advocate sr 12073.

+1 CC to Mr.V.Raghavachari, Advocate sr 12116.

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SP (08/03/2019)

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