

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

C.R.P. (PD).NO.1967 OF 2017

Jaya @ Pazhaniyammal ...Petitioner

Vs.

1.Shunmugavel
Valliammal (died)
2.Kalaivani ...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decree passed in I.A.No.137 of 2016 in O.S.No.215 of 2010 dated 19.09.2016 on the file of the I Addl. Subordinate Judge, Villupuram.

For Petitioner : Mr.S.Krishnasamy
For Respondents : Mr.N.Manokaran for R1 & R2.

ORDER

The prayer sought for in the present civil revision petition is to set aside the order and decree dated 19.09.2016 passed in I.A.No.137 of 2016 in O.S.No.215 of 2010 filed under Order 8 Rule 9 of C.P.C. on the file of the I Addl. Subordinate Judge, Villupuram.

2. Under Order 6 Rule 7 of CPC, no pleading shall, except by way of amendment, raise any new ground of claim or contain any allegation of fact inconsistent with the previous pleading of the party pleading the same .

3. In the instant case, the petitioner herein, had earlier taken a stand that the suit properties are separate properties of her father and that she is entitled to half share. By way of Application filed under Order 8 Rule 9 of CPC, seeking to permit the petitioner to file a reply statement, the petitioner would intend to bring in pleadings to the effect that the suit properties in Item Nos.1,3,4 and 9 are the absolute properties of her father Veerapa Gounder and item No.9 is the self acquired property of Veerapa Gounder and Item Nos.6,7 and 8 belong to grand father of the plaintiff. These pleas are contrary to the earlier pleas taken by the petitioner herein, and as such, in view of the bar under Order 6 Rule 7 of CPC, such a plea will not be permissible.

4. In the light of this legal position, I do not find any reason to interfere with the order passed by the Trial Court in I.A.No.137 of 2016 in O.S.No.215 of 2010 .

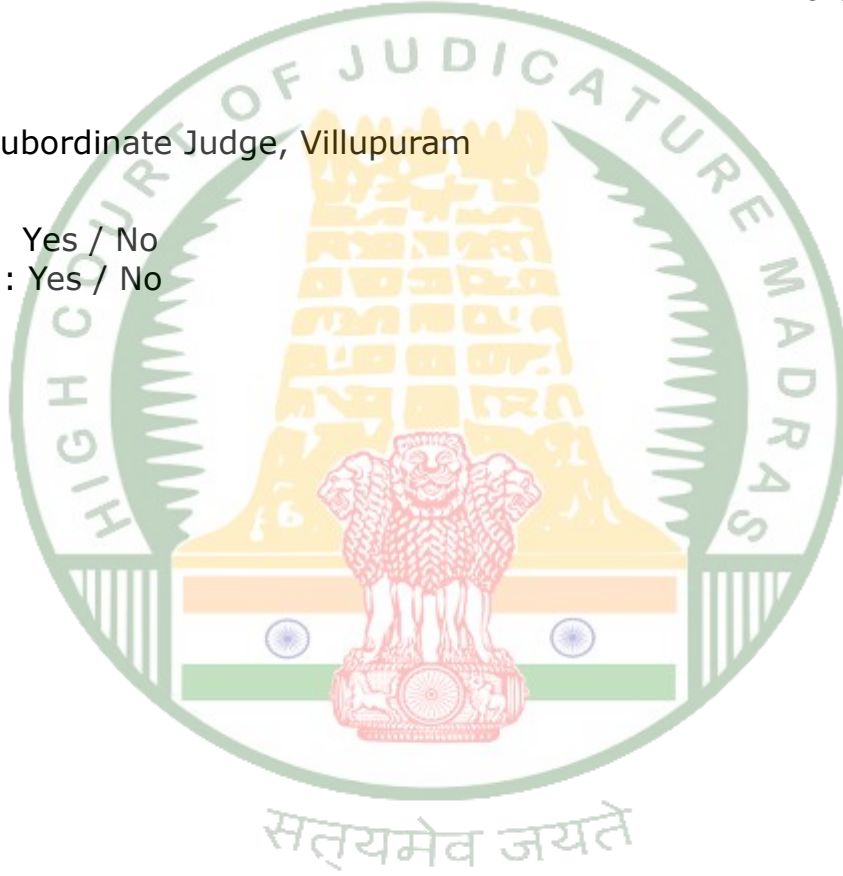
5. Accordingly, the Civil Revision Petition stands dismissed. No costs.

10.01.2019

To

I Addl. Subordinate Judge, Villupuram

Index : Yes / No
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M.S.RAMESH, J.

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