

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

C.R.P. (PD) No. 3656 of 2019

and

C.M.P. No. 24003 of 2019

N.M. Noorul Ameen Petitioner

-Vs-

1. Ammakamma Charities,
Represented by its Managing Trustee,
Tmt. Swarnaraman,
No.3, First Main Road,
Sabari Nagar, Porur,
Chennai - 600 116.
2. Tmt. Swarnaraman
3. Thiru K.L. Sekar
4. Thiru Jotheeswaran
5. Bhavani Electricals
6. Seema Gold Covering Works
7. Nalli Covering
8. Rajeswari Stores
9. Mummy Daddy Bannians

10. Vignesh Kumar Jewellers

11. Vijayalakshmi Art Jewellery

12. Sankruthi Jewellers

... Respondents

Prayer : Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 30.07.2019 made in I.A. No. 3 of 2019 in O.S. No. 13754 of 2010 on the file of the learned I Additional District Judge, City Civil Court, Chennai.

For Petitioner : Mr. M. Ganeshan

For Respondents : Mr. V. Bhiman

ORDER

In this Civil Revision Petition, a fair and decretal order made in I.A. No. 3 of 2019 in O.S. No. 13754 of 2010 by the learned I Additional District Judge, City Civil Court, Chennai, by order dated 30.07.2019 is under challenge.

2. Before the Court below, the suit was filed by the six plaintiffs including the charities, who is the first plaintiff and five others are individuals.

3. The third plaintiff, one D.B. Amaresh and the fifth plaintiff one G.R. Basavarajan during the pendency of the suit were expired, therefore in order to bring formal amendment to state that, the third and fifth plaintiffs are deceased in the short cause title, long cause title and statement of address, the said application in I.A. No. 3 of 2019 was filed to make the said amendment.

4. The learned trial Court Judge, after hearing both sides have allowed the said application through the impugned order, as against which, the present revision petition has been filed.

5. Heard Mr. M. Ganeshan, learned counsel appearing for the revision petitioner and Mr. V. Bhiman, learned counsel appearing for the respondents who entered appearance through Caveat.

6. The learned counsel appearing for the revision petitioner would submit that, as per the scheme decree passed by this Court once in five years, new trustees have to be appointed. The third and fifth plaintiffs who are no more, in whose name the amendment now has

been sought for are no more trustees and the revision petitioner being one of the tenant under the property of the first plaintiff's charities has got some grievance and if this amendment are allowed, as the persons who are not at all trustee to the first plaintiffs' Trust may be in a position to recover the rent from the tenants like the revision petitioner. Therefore, on that ground, he is opposing the said order passed by the trial Court allowing the said amendment sought for by the respondents.

7. I have also heard the learned counsel appearing for the respondents.

8. It is a fact that, the third and fifth plaintiffs are no more and therefore, only in order to bring to the notice of this Court that, the third and fifth plaintiffs are no more, the said application was filed by the plaintiffs side to make a formal amendment in the short cause title as well as in the long cause title and the statement of address in the plaint to state that, the third plaintiff D.B. Amaresh and the fifth plaintiff G.R. Basavarajan as deceased.

9. The said formal amendment, as has been sought for before the Court below, was allowed by the trial Court through the impugned order. The fact remains that, the third and fifth plaintiffs are no more, therefore the said amendment are required to be made.

10. In that view of the matter, this Court feels absolutely there is no ground to be urged assailing the said order, which is impugned allowing the said amendment.

11. In that view of the matter, this Court feels that, the Civil Revision Petition is liable to be rejected. Accordingly, the Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is also closed. No costs.

सत्यमेव जयते

11.11.2019

Index: Yes / No
Speaking order / Non speaking order

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R. SURESH KUMAR, J.

vji

To

1. The I Additional District Court
City Civil Court,
Chennai.
2. Tmt. Swarnaraman,
The Managing Trustee,
Ammakkamma Charities,
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