

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 11.02.2020

ORDER PRONOUNCED ON : 20.02.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.R.P.(PD) No.408 of 2015

and

M.P.No.1 of 2015

M/s.Jain Farms Private Ltd.,
Rep.by its Managing Director
Shri Mangalchand Jain,
59/1, Nakoda Arcade, 3rd Floor,
D.V.G.Road, Basavangudi,
Bangalore – 560 004.

... Petitioner

...Versus...

1.C.Muniyappa
2.Yasodamma
3.Munilakshmi
4.Geetha
5.Sarasamma
6.Nirmala
7.V.Krishna
8.S.N.Gopal
9.R.Lakshmanan
10.L.Sabjan

... Respondents

WEB COPY

PRAYER: This Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the order dated 05.11.2014 passed in I.A.No.328 of 2013 in O.S.No.116 of 2007 on the file of Sub-Judge, Hosur.

For Petitioner :: Mr.Jayesh B.Dolia
For M/s.Aiyar & Dolia

For R1 to R6 and R8 to R10 :: Notice served
No appearance
For R7 :: Mr.G.Sam Edwin Raj

ORDER

The plaintiff in the suit is the petitioner herein.

2. Originally, the petitioner filed O.S.No.116 of 2007 on the file of Sub-Court, Hosur for a declaration that the cancellation of Power of Attorney by defendants 1 to 6 is null and void and also to declare sale deed dated 08.06.2007 and other sale deeds and Power of Attorney executed in favour of defendants 8 and 9 are null and void and for permanent injunction. Defendants 1 to 6 are the original owners of the land and the defendants 7 to 10 are the subsequent purchasers.

3. Pending suit, he has filed I.A.No.269 of 2013 for amending the cause title in respect of some of the minors who had attained majority. I.A.No.273 of 2014 was filed to bring the L.Rs of the deceased person and I.A.No.328 of 2013 was filed for amendment of pleadings.

4. As stated supra, the petitioner is the plaintiff in the suit.

5. As the first defendant died, L.R.s are brought on record as defendants 2 to 6 and the respondents 7 to 9 are the subsequent purchasers.

6. Originally, the first defendant was the absolute owner of the property and he had given Power of Attorney to the petitioner herein.

7. After perusing the power, it is seen that the power is coupled with the consideration and without his knowledge without taking note of the nature of power, the General Power of Attorney given in favour of the petitioner/plaintiff in the year 1994 appears to have been cancelled on 07.06.2007 and hence, the suit.

8. Originally, the first defendant had made some encumbrance and hence, subsequent purchasers were added as defendants/respondents 7 to 10.

9. Pending suit, some of the parties have attained majority and hence, declare major and for amendment of cause title in I.A.No.269 of 2013 was filed. Consequently, amendment of cause title was effected. So also the first respondent died and some of the parties/defendants have died and hence, L.Rs were brought on record. Consequentially, cause title was amended. The trial Court without noticing the fact that earlier amendment was relating to declaration of majority and bringing on record the L.Rs. Thus, amendment is not relating to certain pleadings and the documents. Without noticing the same, the trial Court has erroneously observed that this is the third amendment petition and hence, rejected the same which is totally erroneous.

10. On factual consideration, besides the suit is not ripe for trial and hence, there is nothing wrong in allowing the amendment as the same affects the petitioner's case with regard to certain details omitted to be given and hence, this Civil Revision Petition is allowed and order in I.A is set aside and amendment petition stands allowed. The amended

plaint copy to be filed within 3 weeks. The trial to be completed within 3 weeks thereafter and the trial Court is directed to dispose of the case within a period of 12 weeks thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

20.02.2020

nvi

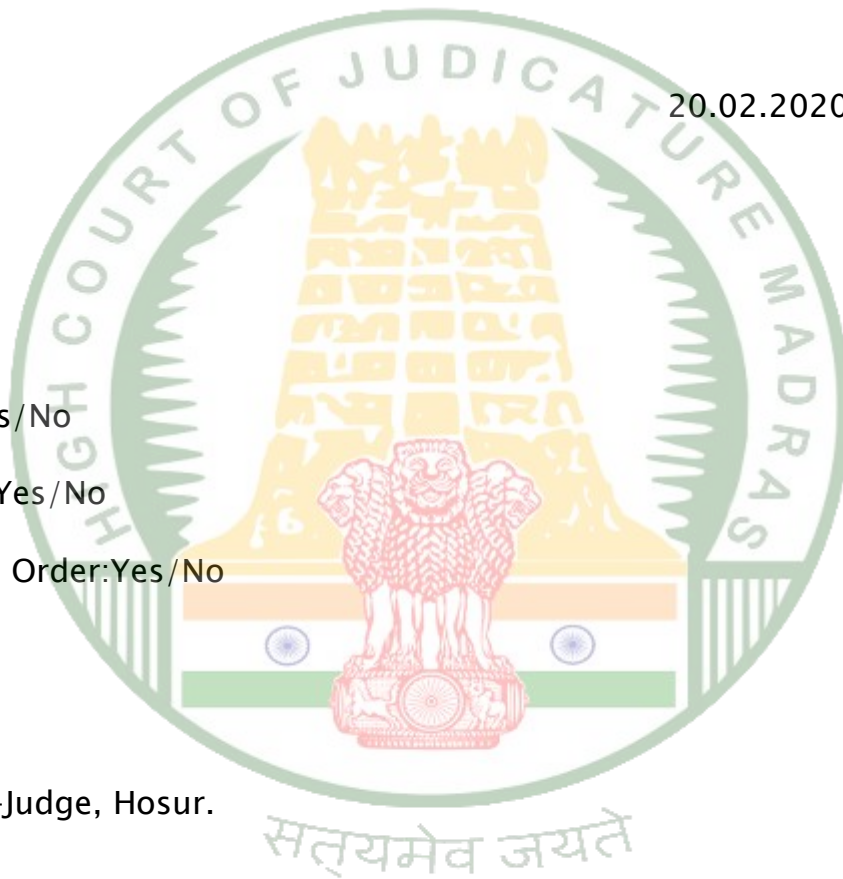
Index:Yes/No

Internet:Yes/No

Speaking Order:Yes/No

To

The Sub-Judge, Hosur.

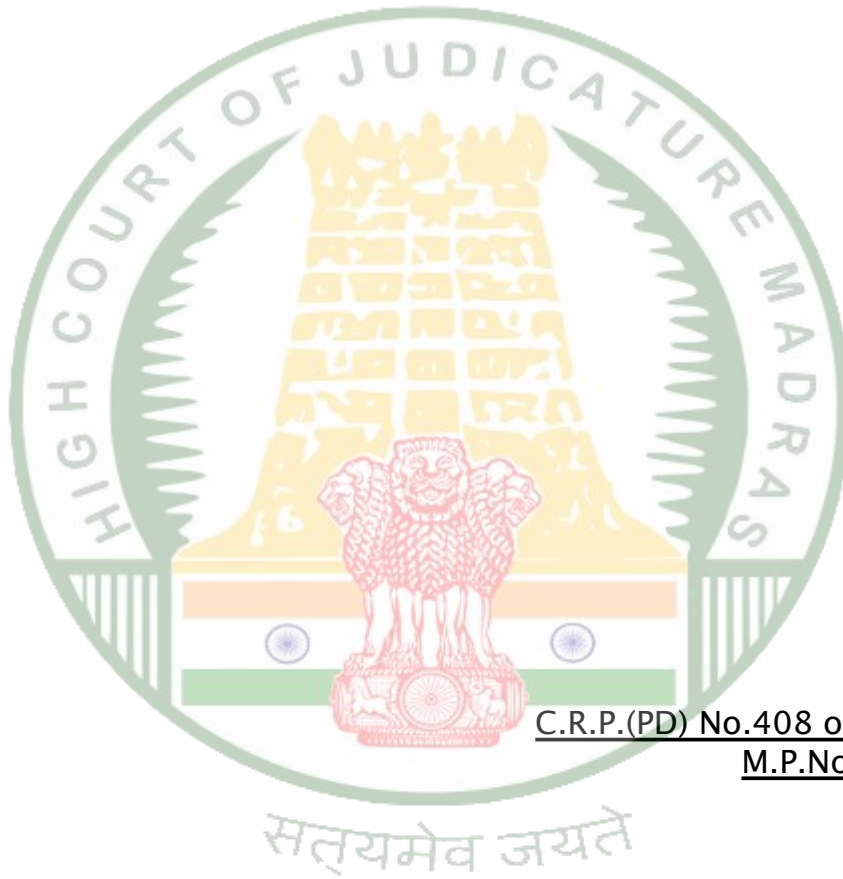


WEB COPY

C.R.P.(PD)No.408 of 2015

RMT.TEEKAA RAMAN,J.,

nvi



order in
C.R.P.(PD) No.408 of 2015 and
M.P.No.1 of 2015

WEB COPY

20.02.2020