

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.R.P.(P.D).No.1838 of 2019
and C.M.P.No.12149 of 2019

PanduranganPetitioner

Vs

Kannammal @ Valliammal (Died)

1.Mangalakshmi

2.Kuppulakshmi

3.Sundaramurthy

4.Saraswathi

5.Rajeswari

6.Ramamurthy

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Indian Constitution of India to set aside the order and decree dated 22.02.2019 made in I.A.No.72 of 2019 in O.S.No.79 of 2008 on the file of the Principal Sub-Judge, Pondicherry.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.T.Dhanyakumar for R3
No appearance for R1, R2 & R4 -6

ORDER

The revision petitioner is before this Court with a prayer to set aside the order and decree dated 22.02.2019 made in I.A.No.72 of 2019 in O.S.No.79 of 2008 on the file of the Principal Sub-Judge, Pondicherry.

2.The petitioner is the 2nd defendant and also newly added defendant in the original suit.

3.The respondents 1 to 5 has filed the suit for ejection of the petitioner herein and also for recovery of possession.

4.After the death of one-Kannammal @ Valliammal, her legal heirs are impleaded as party to the suit. Subsequently, the legal heirs/respondents 1 to 5 are came to know that the petitioner herein purchased the suit mentioned property from the father of the respondents 1 to 5. Therefore, the petitioner was impleaded as a party to the proceedings as per the order of this Hon'ble Court in C.R.P.No.1794 of 2018 dated 17.07.2018. The alleged sale deed was executed in favour of the petitioner and the father of the respondents in the year 1993. To declare the alleged sale deed as sham, nominal and invalid and also to file the petition mentioned amendments in the original plaint, the respondents 1 to 5 has

filed the I.A.No.72 of 2019 in O.S.No.79 of 2008 before the Principal Sub Judge, Pondicherry.

5.After considering the arguments advanced by either side counsel, the trial Court has rightly allowed the petition by order dated 22.02.2019 on the ground that the amendments sought for by the respondents 1 to 5 are only stated in the petition filed under Order 6 Rule 17 of CPC and not in the impleaded petition in I.A.No.692 of 2017.

6.Aggrieved by the order of the learned Principal Sub Judge, Pondicherry made in I.A.No.72 of 2019 in O.S.No.79 of 2008 dated 22.02.2019, the petitioner is before this Court with this Civil Revision Petition.

7.The learned counsel for the petitioner challenged the order of the trial Court on two grounds viz., proposed amendments will change the nature of the suit and the alleged sale deed took place in the year 1993. Therefore, it is barred by limitation. Hence he prays to allow the Civil Revision Petition.

8.The learned counsel appearing for the 3rd respondent supported the order of the trial Court.

9.Heard the learned counsel for the petitioner and the learned counsel for the 3rd respondent and also perused the materials on record.

10.Admittedly, the revision petitioner is impleaded as a party to the suit as per the order of this Court in C.R.P.No.1794 of 2018 dated 17.07.2018. The recovery and possession was defended on the ground that the husband of the deceased-Kannammal @ Valliammal, sold the suit property in favour of the petitioner-Pandurangan. For that reason alone the petitioner was impleaded as a party in the suit. In such circumstance, the amendment sought is imperative for proper and effective adjudication of the case. Therefore, the trial Court has rightly allowed the application for amendment in I.A.No.72 of 2019 in O.S.No.79 of 2008 dated 22.02.2019. Further, I find no merits in the Civil Revision Petition.

11.Therefore, the Civil Revision Petition is dismissed. Consequently connected miscellaneous petition is closed. No costs.

WEB COPY

08.12.2020

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No
Jer

C.R.P.(P.D).No.1838 of 2019

V.SIVAGNANAM.J,

Jer



C.R.P.(P.D).No.1838 of 2019
and C.M.P.No.12149 of 2019

WEB COPY

08.12.2020