

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.R.P.(NPD)No.2685 of 2014

D.Nithyanadan

... Petitioner

...Versus...

1.G.Nagammal
2.G.Raju @ Ragunathan
3.Pikash chbera
4.Tutun Bera

... Respondents

PRAYER:This Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 19.12.2013 passed in I.A.No.429 of 2013 in O.S.No.455 of 2010 on the file of II Additional Subordinate Court, Coimbatore.

For Petitioner

सत्यमेव जयते :: Mr.B.Manivannan

For Respondents

:: No appearance

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ORDER

The plaintiff is the petitioner herein.

2. The petitioner/plaintiff has filed O.S.No.455 of 2010 on the file of the II Additional Subordinate Court, Coimbatore, for a relief of declaration and for permanent injunction on the strength of the Will alleged to have been executed in his favour.

3. The plaint proceeds on the basis that the defendants are trying to interfere with his possession and sought for Permanent Injunction.

4. Pending suit, two persons, claiming to have purchased the property from the sister of the plaintiff, filed I.A.No.251 of 2012 to implead them and also contended that they are put in possession by the defendants and the said application was allowed. Thereafter, the plaintiff has filed the present application in I.A.No.429 of 2012 under Order 6 Rule 17 of C.P.C to amend the plaint with regard to the alleged transfer said to have been effected by the original defendant in favour of newly added defendants and also sought alternate relief of recovery of

possession. The said application was rejected by the trial Court on the ground that since the suit is ripe for trial in the list, the petition was dismissed.

5. After perusing the records and also taking note of the order passed by the trial Court in impleading the newly defendants, the amended prayer, appears to have been just and necessary.

6. In view of the change of circumstances at the instance of the defendants, not at the instance of the plaintiff, the present application for amendment is filed. Hence, the trial Court has committed an error without appreciating the averments made and also the orders passed in the impleading application.

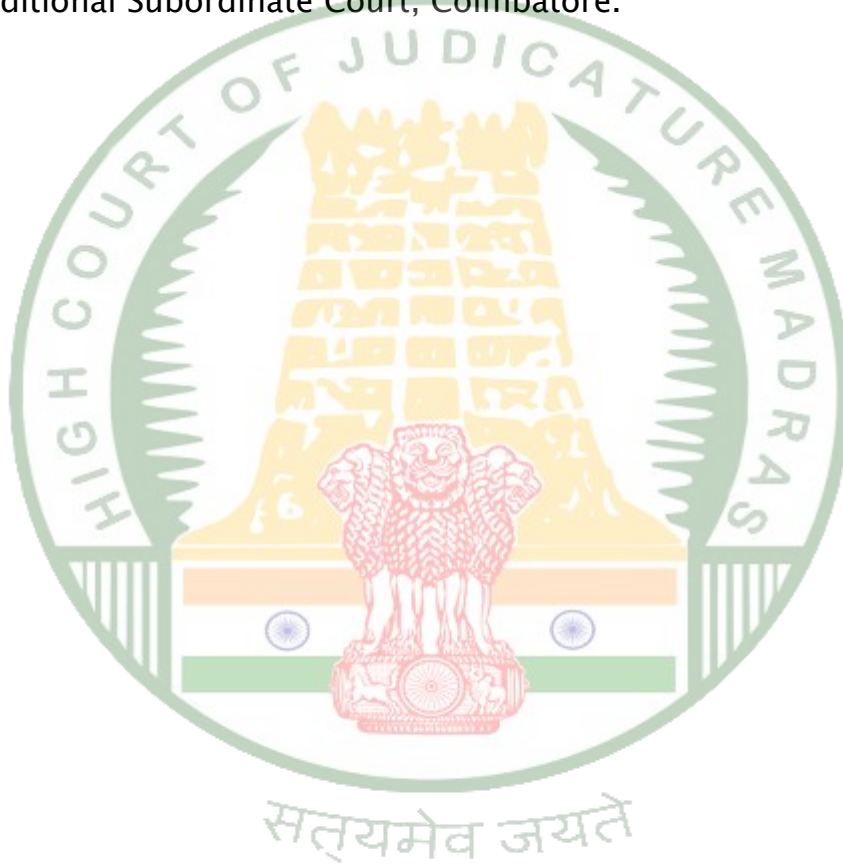
7. In this view of the matter, the order dated 19.12.2013 impugned herein is set aside and the amendment petition is allowed. This Civil Revision Petition is allowed and the trial Court is directed to effect the amendment within a period of three weeks from the date of receipt of a copy of this order and dispose of the suit within a period of twelve weeks thereafter. No costs.

28.01.2020

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

The II Additional Subordinate Court, Coimbatore.

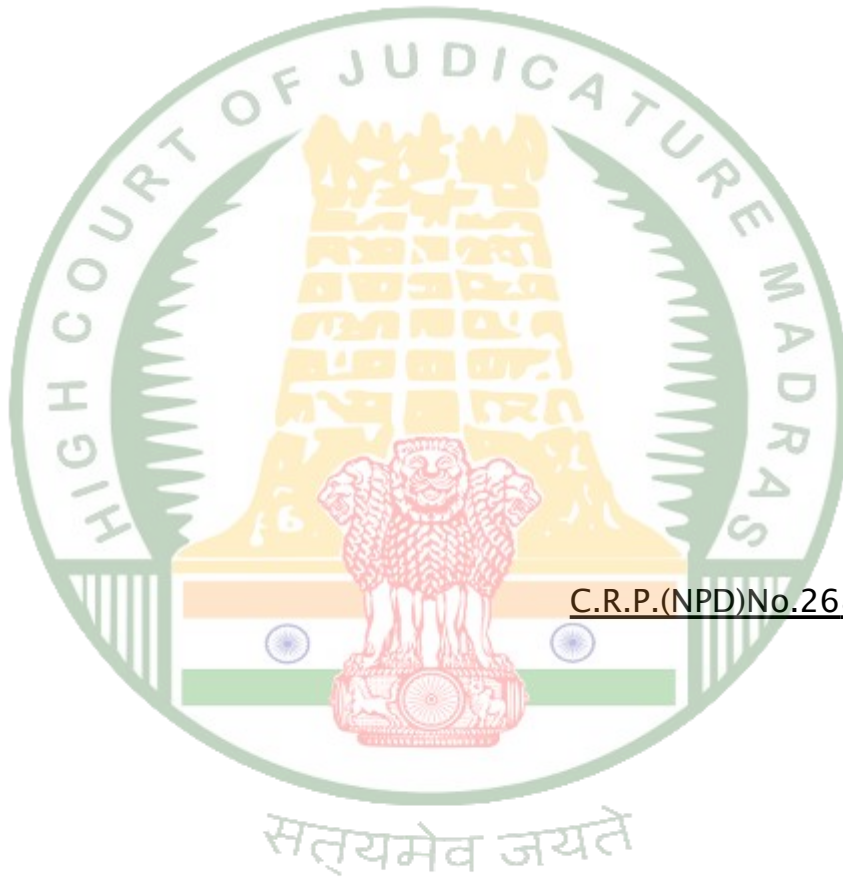


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C.R.P.(NPD)No.2685 of 2014

RMT.TEEKAA RAMAN,J.,

nvi



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