



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2020

CORAM:

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN**

C.R.P. (PD) (MD)No.108 of 2020

and

C.M.P (MD) .No.614 of 2020

WEB COPY

1.AL.periyakaruppan  
2.Nagammal Anandhi  
3.P.Selvam Alaghappan ... Petitioners/Petitioners/Plaintiffs

vs.

V.N.Chidambaram Chettiar(Died)  
1.CT.Nagammal Achi  
2.Ranee Valliappan @ Lakshmi  
3.C.Nagappan  
4.C.Ganesh  
5.M.S.Navaneethakrishnamaraja  
6.V.Kathiresan ... Respondents/Respondents/  
Defendants 1 to 7

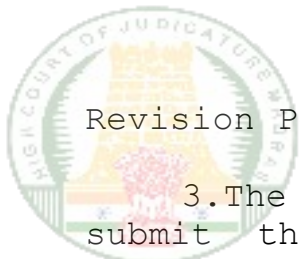
**PRAYER:** Civil Revision Petition is filed under Section 115 of the Code of the Civil Procedure, to to reverse and set aside the fair and decreetal order dated 03.09.2019 in I.A.No.157 of 2019 in O.S.No.412 of 2004 on the file of the District Munsif Court, Melur.

For Petitioner: Mr.S.Ramesh  
For R1 to R4 : Mr.S.Pala Ramasamy  
For R5 : Mr.Iniyavan  
For R6 : Service awaited

### **ORDER**

This civil revision petition has been filed against the order dated 03.09.2019 passed by the District Munsif, Melur, in I.A.No.157 of 2019 in O.S.No.412 of 2004.

2.The revision petitioners are the plaintiffs have filed a suit in O.S.No.412 of 2004 before the District Munsif Court, Melur, for partition. After passing of preliminary decree, the petitioners/plaintiffs have filed an application in I.A.No.157 of 2019 to amend the judgment and decree passed in O.S.No.412 of 2004. The Trial Court has dismissed the said application on the ground that it is for the fifth respondent herein has to file a petition and the petition filed by the plaintiff was not maintainable. Challenging the said order, the present Civil



Revision Petition is filed.

3.The learned counsel appearing for the petitioner would submit that a preliminary decree was passed and share was allotted. After passing of final decree, the revision petitioners said that some mistakes were found in the findings of the judgment and also the decree. In the decree, it is stated that 'F' schedule is ordered between the 3<sup>rd</sup> plaintiff and the 6<sup>th</sup> defendant regarding the properties 5A and (6) A,B,C,F,G,K and L only. Since the item No.5A of the 'F' schedule belonged to the 3<sup>rd</sup> plaintiff and 5<sup>th</sup> defendant, item No.5A in 'F' schedule should be deleted. Therefore, the learned counsel seeks amendment.

4.Considering the submissions made by the learned counsel for the revision petitioners, this Court amend the judgment and decree passed by the trial Court. In Paragraph No.74 of the judgment the result with regard to the F schedule recorded by the trial Court is deleted, instead the following paragraph shall be inserted,

*In 'F' schedule, the partition is ordered between the third plaintiff and the fifth defendant. Likewise the paragraph No.6 of the decree, the words 'regarding 5A' shall stand deleted. In the same paragraph, the word sixth defendant shall be deleted, instead the word fifth defendant shall be added.*

5.Therefore, the order passed by the learned District Munsif, Melur, in I.A.No.157 of 2019 is set aside and the preliminary decree passed by the trial Court is amended as aforesaid.

6.The trial Court is directed to incorporate the aforesaid amendment in the judgment and decree passed in O.S.No.412 of 2004 and issue fresh order copy of the judgment and decree to the parties concerned.

7.In the result, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

The District Munsif,  
Melur.

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+3 CC to MR.A.R.SETHUPATHY, Advocate ( SR-12590,12405[F] dated 19/03/2020 )

+1 CC to MR.PALA.RAMASAMY, Advocate ( SR-12380[F] dated 18/03/2020 )

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