

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.1240 of 2015

and

MP.No.1 of 2015

1. Chinnapillai @ Chinnammal
2. Kaveriammal
3. Samanthi
4. Nagarajan
5. Madhaiyan

... Petitioners

Vs.

1. State Rep.by
The District Collector of Dharmapuri,
Collectorate, Dharmapuri.
2. The Revenue Divisional Officer,
RDO's Office,
Dharmapuri.
3. Thasildhar
Taluk Office,
Palakodu, Dharmapuri.

4. Govindhammal ... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order passed by the learned District Munsif at Palakodu dated 21st November 2014 in I.A.No.1070 of 2014 in O.S.No.97 of 2013.

For Petitioners : M/s.E.Malarkodi
For Respondents : Mr.S.Jaganathan
Government Advocate
(for R1 to R3)
: No Appearance (for R4)

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.1070 of 2014 in O.S.No.97 of 2013 dated 21.09.2014 on the file of the learned District Munsif, Palakodu, thereby, dismissing the petition filed by the petitioner to amend the plaint.

2. The petitioners are the plaintiffs. They filed a suit for declaration to declare that they are legal heir of one Iyyasami. They avered in the plaint that the first plaintiff is the wife of Iyyasami. The first plaintiff and her husband/Iyyasami gave birth to the plaintiffs 2 to 5 and also one Kaliappan. The said Kaliappan originally got married with the 4th defendant. He was deaf-and-dumb. After their marriage they got separated and to that extent the deed was also executed before the Panchayatars and thereafter, the 4th defendant got married with one Chinnasamy. After their marriage, the said Kaliappan died on 11.09.1983. Now, the plaintiffs filed a petition for

amendment to include the divorce contract/Muchalikka dated 10.11.1982 between the 4th defendant and the deceased son of the first defendant viz., Kaliappan. The amendment sought for by the plaintiffs no way change the nature of the suit as well as the cause of action.

3. As stated supra, the plaintiffs categorically mentioned that the son of the first plaintiff got married with the 4th defendant and thereafter, they got separated in front of the Panchayatars and thereafter, the 4th defendant herein got married one Chinnasami. As such, the order passed by the Court below is perverse and illegal.

4. In view of the above discussion, this Civil Revision Petition is allowed and the order passed in I.A.No.1070 of 2014 in O.S.No.97 of 2013 dated 21.09.2014 is set aside. Consequently, the connected Miscellaneous Petition is closed. No costs.

29.01.2021

Speaking/Non-speaking order

Index : Yes/No

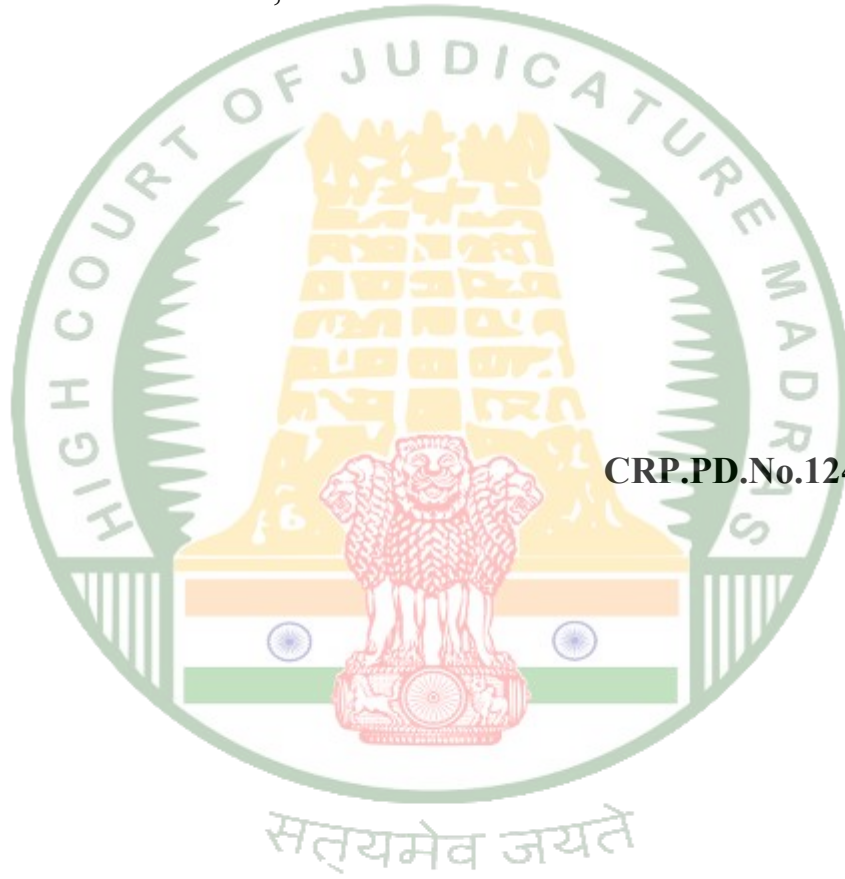
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G.K.ILANTHIRAIYAN,J.

Kv

To
The learned District Munsif, Palakodu.



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