

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).No.4443 of 2015
and M.P.No.1 of 2015

Kalimuthu

...Petitioner

Vs

Thillaisekaran
Thillaivalavan

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India as against the fair and decretal order dated 07.04.2015 made in I.A.No.529 of 2014 in O.S.No.230 of 2008 passed by the Additional District Munsif, Chidambaram.

For Petitioner : Mr.V.Meenakshi Sundaram

For Respondents : Mr.R.Meenal for R1
Notice served - No appearance

ORDER

The Civil Revision Petition is directed as against the fair and decretal order dated 07.04.2015 made in I.A.No.529 of 2014 in O.S.No.230 of 2008 passed by the Additional District Munsif, Chidambaram, thereby

dismissing the petition seeking for amendment to include the properties in the plaint, filed by the 1st defendant.

2.The petitioner is the 1st defendant in the suit filed by the respondents herein for partition. While pending the suit, the petitioner herein filed a petition to include the other four properties also in the suit property as item Nos.21 to 24 for partition.

3.On perusal of the plaint, the respondents averred that their maternal grand father had purchased 0.06 ½ cents in R.S.54/6 on 31.07.1978 from Kosalai and later in 0.06 ½ cents in the same Survey Number, in the name of the 1st respondent herein in R.S.54/6B by adverse possession. The 1st respondent herein got title and also patta transferred in his name. Thus the 1st respondent herein is the absolute owner of the above mentioned property and he is in possession and enjoyment of the same. The 2nd respondent herein has purchased 0.34 ½ cents in RS.54/1B from one Munusamy out of his own hard earned money. Thereafter, he is in possession and enjoyment of the suit property, whereas, now the petitioner sought for amendment to include these properties for partition.

4.The suit was filed in the year 2008. The petitioner also filed his written statement on 16.03.2009, after a period of 5 years and on 15.09.2014, the petition in I.A.No.529 of 2014 has been filed. Infact, the petitioner, did not whisper about the property in his written statement, filed on 16.03.2009. If at all, the suit property is their family property, additionally, he might have included the said property in the written statement itself as family property. Therefore, the present petition is filed, only to drag the proceedings and the Court below has rightly dismissed the same and as such this Court finds no infirmity or irregularity in the order dated 07.04.2015 made in I.A.No.529 of 2014 in O.S.No.230 of 2008 passed by the Additional District Munsif, Chidambaram.

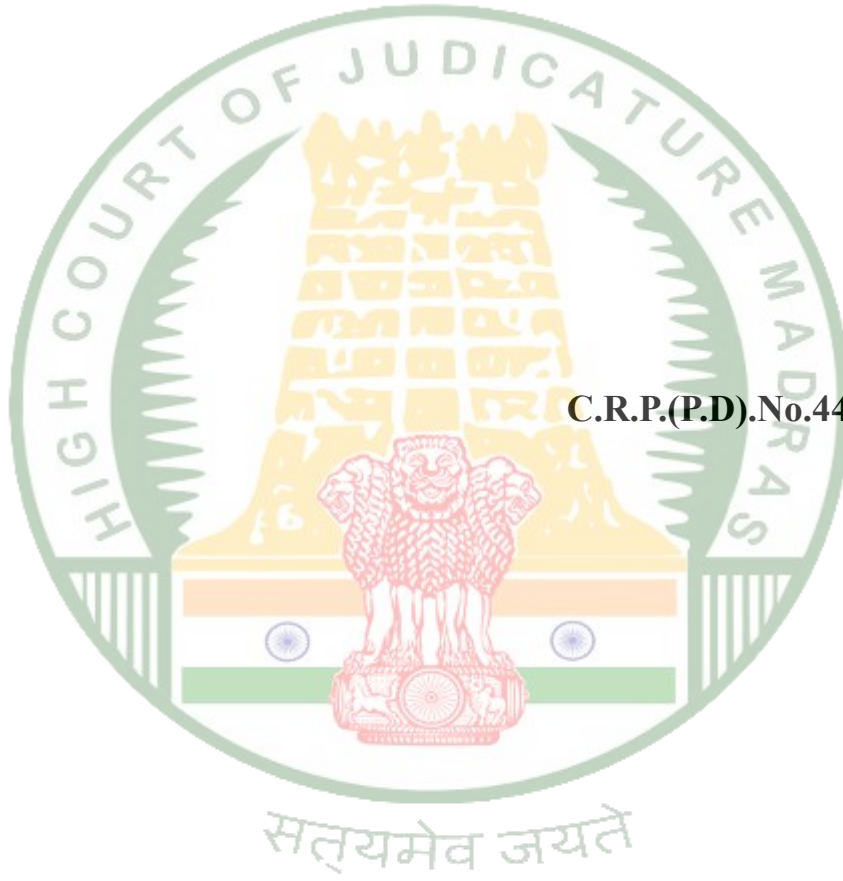
5.Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

11.02.2021

Index:Yes/No
Speaking Order: Yes/No
Jer
To
The Additional District Munsif, Chidambaram.

G.K.ILANTHIRAIYAN.J,

Jer



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