

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

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

CRP.PD.No.2221 of 2018

and

CMP.No.13981 of 2018

Jayakumar

..Petitioner

Vs.

1.Sivagami
Chinnaranga Naicker(died)
2.Shanmugam
3.Rajammal

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order passed by the learned District Munsif, Sathiyamangalam passed in IA.No.289 of 2018 in OS.No.285 of 2015 dated 05.07.2018

For Petitioner : Mr.S.Parthasarathy

For Respondents

For R1

: Mr.R.Thirumoorthy

ORDER

This Civil Revision Petition is filed against the fair and decretal order passed by the learned District Munsif, Sathiyamangalam in

IA.No.289 of 2018 in OS.No.285 of 2015 dated 05.07.2018, thereby allowed the petition seeking amendment.

2. The petitioner is the third defendant and the first respondent is the plaintiff. The first respondent filed suit for partition. While pending suit, the petitioner herein filed additional written statement stating that the property which was not included in the plaint was bequeathed by the deceased first defendant in favour of the petitioner herein by the Will dated 02.11.2016. As such, the first respondent filed petition to include the said property also for partition for the reason that the said property also belongs to joint family property. Due to inadvertence, the said property was not included in the plaint at the time of filing of the suit.

3. The learned counsel for the petitioner would submit that only on filing of the additional written statement, the first respondent came to understand about the said property. Even at the time of filing the suit, she ought to have included the said property, if the said property is belong to joint family property.

4. In the partition suit, the petitioner is also one of the party and the property now included by way of amendment also to be subjected

for partition. Therefore, the court below rightly allowed the petition. As such this Court finds no infirmity or illegality in the order passed by the court below.

5. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

23.07.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
lok

To

The District Munsif,
Sathiyamangalam



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G.K.ILANTHIRAIYAN,J.

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