

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM

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

C.R.P.(PD)No.2924 of 2018  
and C.M.P.No.17097 of 2018

R.Thanagavel (Died)  
Balasubramanian

... Petitioner

Vs.

Rajammal (Died)  
1. M.C.Kuppan  
2. M.C.Madhan  
3. Thilagam  
4. Ramiammal  
5. Kandhasamy  
6. Raja Gounder

7. The Junior Engineer,  
Tamil Nadu Electricity Board,  
Pennagaram, Pennagaram Taluk,  
Dharmapuri District.

8. The Assistant Engineer,  
Tamil Nadu Electricity Board,  
Pennagaram, Pennagaram Taluk,  
Dharmapuri District.

9. The Superintending Engineer,  
Tamil Nadu Electricity Board,  
Dharmapuri Taluk & District.

10. P.Chinnaraj

11. Unnamalai.

... Respondents

**Prayer :-** Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 04.01.2018 made in I.A.No.427 of 2017 in O.S.No.349 of 1999 on the file of the learned District Munsif cum Judicial Magistrate, Pennagaram.

For Petitioner : Mr.J.Hariharan  
For. M.V.Nicholas

For Respondents  
For R1 & R2 : Ms.Kowsalya  
For Mr.P.Rajendran  
For R3 to R11 : No appearance

**ORDER**

This Civil Revision Petition is directed as against fair and decreetal order dated 04.01.2018 passed by the learned District Munsif cum Judicial Magistrate, Pennagaram in I.A.No.427 of 2017 in O.S.No.349 of 1999, thereby rejecting the petition for seeking amendment of plaint.

2. The petitioner is plaintiff and the respondents are the defendants. The suit in O.S.No.349 of 1999 was filed by the petitioner in the year 1999 for partition. In the year 2017, the petitioner filed petition in I.A.No.427 of 2017 for seeking amendment of the plaint. The trial Court dismissed the said petition as against which, the present Civil Revision Petition.

3. On perusal of records revealed that, when the suit was posted for evidence on defence side, the petitioner filed petition seeking amendment on three occasions from the year 2004 to 2010. At that juncture, again in the year 2017, the petitioner filed the present petition for seeking amendment. Therefore, the Court below dismissed the petition seeking amendment for the reason that there is absolutely no reason to believe that the petitioner could not be able to file amendment petition in time, after commencement of the trial. The petitioner failed to prove that he could not be able to file petition for amendment on his due diligence. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition stands dismissed. Since the suit is of the year 1999, the trial Court viz., the learned District Munsif cum Judicial Magistrate, Pennagaram is directed to dispose the suit within a period of three months from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed. There shall be no order as to cost.

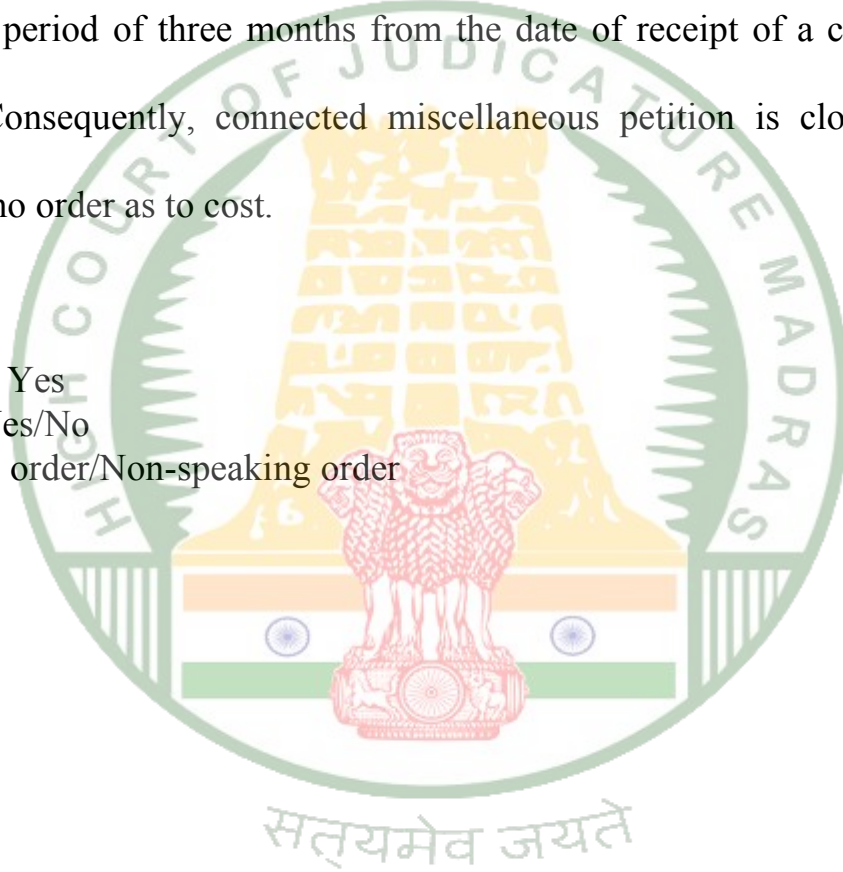
28.06.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts



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To

1. The District Munsif cum Judicial Magistrate,  
Pennagaram
2. The Section Officer,  
V.R. Section,  
Madras High Court,  
Chennai.

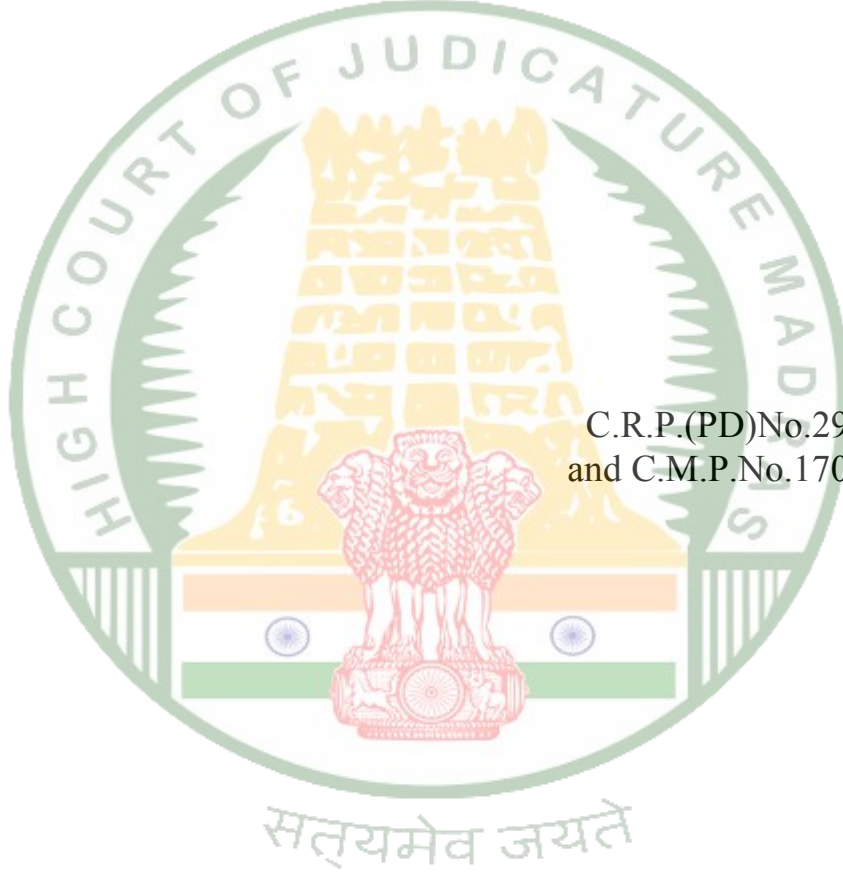


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**G.K.ILANTHIRAIYAN, J.**

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