

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

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

C.R.P.(PD).No.1662 of 2014
and M.P.No.1 of 2014

Rajeswari

.... Petitioner

Vs.

1. R.Ganesan
2. R.Rajavelu
3. Appusamy
4. Eswaran
5. Raja
6. Ramasamy (died)
7. Komarasamy
8. Kumarasamy (died)
(RR 3,4,5 and 7 set exparte
RR6 and 8 died vide Court
Order dated 13.12.2019
made in C.R.P.1662 of 2014
as per memo dated 13.12.2019
(presented in Court) are
recorded (TKRJ)
9. Chinnammal
10. Loganathan
11. Palanisamy
12. Kaliasammal
13. Ponnusamy
14. Pappathi

15. Sundarambal
16. Chandra
17. Senthil Kumar
18. Buvaneswari

(RR9 to 11 brought on record as
LRs of the deceased R6 and
R12 to R18 brought on record
as LR of the deceased R8 vide
Order dated 05.02.2020 made
in C.M.P.No.167, 184, 213,
218 and 223 of 2019 in
C.R.P.(PD)No.1662 of 2014)

... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 07.03.2014 made in I.A.No.809 of 2013 in O.S.No.429 of 2008 on the file of the learned Subordinate Judge, Tiruchengode.

For Petitioner : Mr.N.Manokaran
For Respondents
For R1 & R2 : Mr.M.Guruprasad
For R3 to R8 : Dispensed with vide Court
order dated 13.12.2019
For R9 to R18 : No appearance

ORDER

This Civil Revision Petition is directed as against the fair and decretal order dated 07.03.2014 passed by the learned Subordinate Judge, Tiruchengode in I.A.No.809 of 2013 in O.S.No.429 of 2008, thereby

dismissing the petition to correct the survey number and also to include the well in the suit property.

2. The petitioner is the plaintiff and the respondents are the defendants in the suit in O.S.No.429 of 2008 filed for partition. While pending the suit the petitioner filed an application in I.A.No.809 of 2013 for amendment of the plaint. The Court below dismissed the same for the reason that the petition for amendment has been filed only after the cross examination of P.W1, with a view to fill up the lacuna. Further stated that the respondents already brought to the knowledge of the petitioner by their written statement.

3. On perusal of the written statement it revealed that nothing was whispered about the details with regard to the amendment sought for by the petitioner. That apart the suit was filed by the petitioner for partition. According to the petitioner, there is typographical error stating the survey number as 478/1 and 474/1A instead of 473/1 and 474/1A and also include the well in the suit property. Other corrections are that she increased the

value of the property. Therefore, if the petition for amendment allowed, it would not cause any prejudice to the respondents.

4. Accordingly, the order dated 07.03.2014 passed by the learned Subordinate Judge, Tiruchengode in I.A.No.809 of 2013 in O.S.No.429 of 2008 is hereby set aside. The petitioner is permitted to amend the plaint and the respondents are at liberty to file additional written statement for the amended plaint. The trial Court is directed to complete the trial within a period of six months from the date of the receipt of a copy of this Order.

5. With the above directions, this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

26.02.2021

Internet : Yes

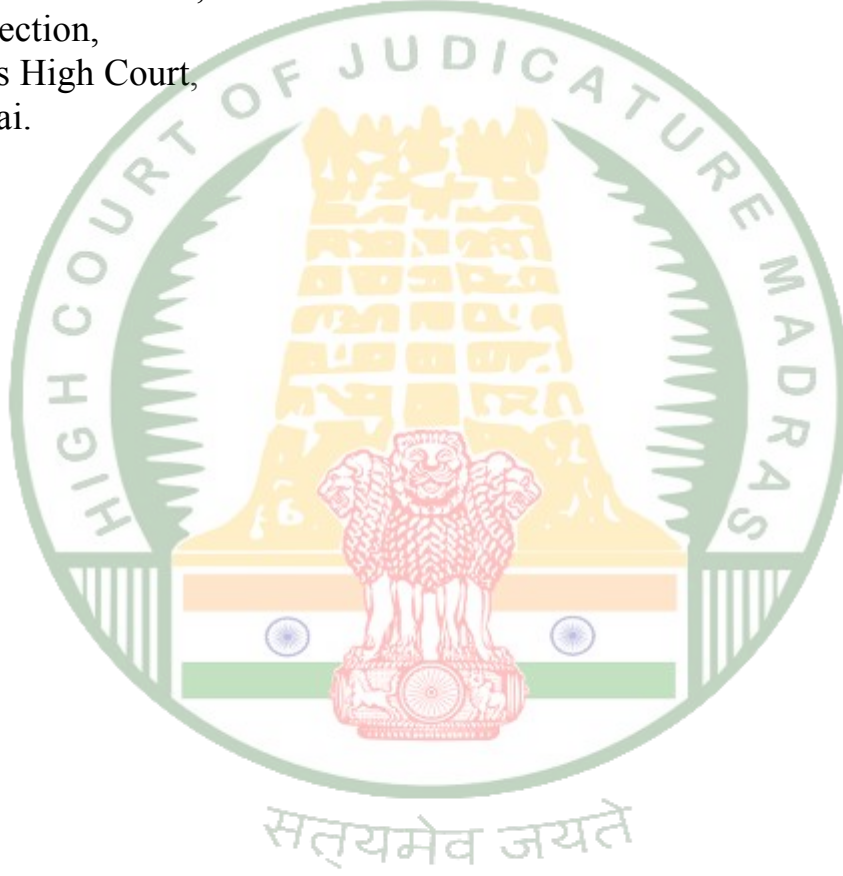
Index : Yes/No

Speaking order/Non-speaking order

rts

To

1. The Subordinate Judge,
Tiruchengode
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

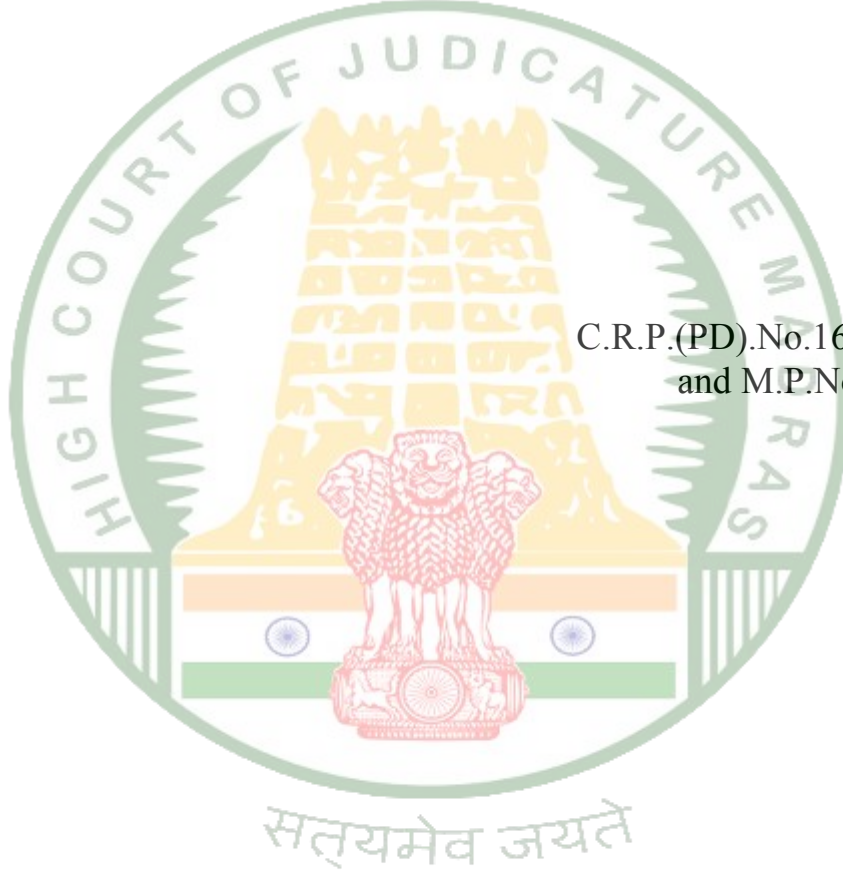


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C.R.P.(PD)No.1662 of 2014

G.K.ILANTHIRAIYAN, J.

rts



C.R.P.(PD).No.1662 of 2014
and M.P.No.1 of 2014

26.02.2021

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