

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2021

CORAM

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

CRP.PD.No.179 of 2017

1. R.Natarajan
2. Amaravathi
3. Chandra
4. Umarani
5. Jayashree

... Petitioners

Vs.

1. Malliga
2. Selvakumar
3. Lakshmi

.... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 26.10.2016 made in I.A.No.Nill of 2016 in O.S.No.47/2014 on the file of the Court of District Judge, Tiruvannamalai.

For Petitioners : Mr.B.Srinivasan

For Respondents : Mr.D.Lakshmipathy

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.Nill of 2016 in O.S.No.47/2014 dated 26.10.2016 on the file of the learned District Judge, Tiruvannamalai, thereby, rejecting the Interlocutory Application filed for amendment of the plaint.

2. The petitioners are the plaintiffs and the respondents are the defendants. The petitioners filed a suit for partition and permanent injunction and the same was decreed by the judgment and decree dated 17.11.2015 by allotting equal share to all the petitioners and the respondents. While filing the final decree, the petitioners noticed that the following corrections to be made in the plaint as well as the decree:-

“(i) The husband name of the 2nd plaintiff in the short, long cause titles and statement of address of plaint as Gajaraj instead of Jayaraj.

(ii) 2nd line of page 3, 1st line of para 9 in page 5 of the plaint as Parithipuram Village instead of Thiruvathipuram

Village.

(iii) The Village name as Parithipuram instead of Thiruvathipuram in the schedule of property as well as the directions in the boundaries as state originally.

(iv) In the northern boundary as Mamthalli Shaibu instead of Mamthalli Naidu in the schedule of property.

(v) The Sub Registration District of Cheyyar in 6th line page 3 of the plaint and in the schedule property as Thiruvathipuram Sub Registration District.”

3. The Court below rejected the application for the reason that the amendment sought for by the petitioners such as name of the parties description of the properties and the location of the properties would amount to change the whole nature of the relief sought in the suit.

4. On a perusal of the amendment sought for by the petitioners, it is seen that they are very simple in nature and it would not change the whole nature and prayer of the suit property. In fact, the Court below without even numbering the application simply rejected it.

5. Therefore, this Civil Revision Petition is allowed and the order passed in I.A.No.Nill of 2016 in O.S.No.47/2014 dated 26.10.2016 is set aside. The matter is remanded back to the Court below for fresh consideration. The Court below is directed to number the application and dispose of the same, after giving opportunity to the respondents, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

26.03.2021

Speaking/Non-speaking order

Index : Yes/No

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To

1. The District Judge, Tiruvannamalai.
2. The Section Officer,
V.R.Section, High Court of Madras.

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G.K.ILANTHIRAIYAN,J.

Kv



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