

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

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

CRP.PD.Nos.819 & 820 of 2017 and
CMP.No.4028 of 2017

CRP.PD.No.819 of 2017

1.Muthusamy
2.Palanisamy

..Petitioners

Vs.

Kaliappan

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 21.12.2016 made in IA.No.402 of 2016 in OS.No.262 of 2009 on the file of the learned Sub Court, Perundurai.

For Petitioners : Mr.N.Manokaran

For Respondent : Mr.J.Prithivi

CRP.PD.No.820 of 2017

1.Muthusamy

2.Palanisamy

..Petitioners

Vs.

Kaliappan

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 21.12.2016 made in IA.No.403 of 2016 in OS.No.262 of 2009 on the file of the learned Sub Court, Perundurai.

For Petitioners : Mr.N.Manokaran

For Respondent : Mr.J.Prithivi

COMMON ORDER

These civil revision petitions are filed against the fair and decretal orders dated 21.12.2016 made in IA.Nos.402 & 403 of 2016 in OS.No.262 of 2009 on the file of the learned Sub Court, Perundurai thereby allowing the petition for amendment to delete the fourth item of the suit property and thereby allowing the petition to file reply statement for the additional written statement.

2. In both the civil revision petitions, the petitioners are the defendants in the suit filed by the respondent herein for partition

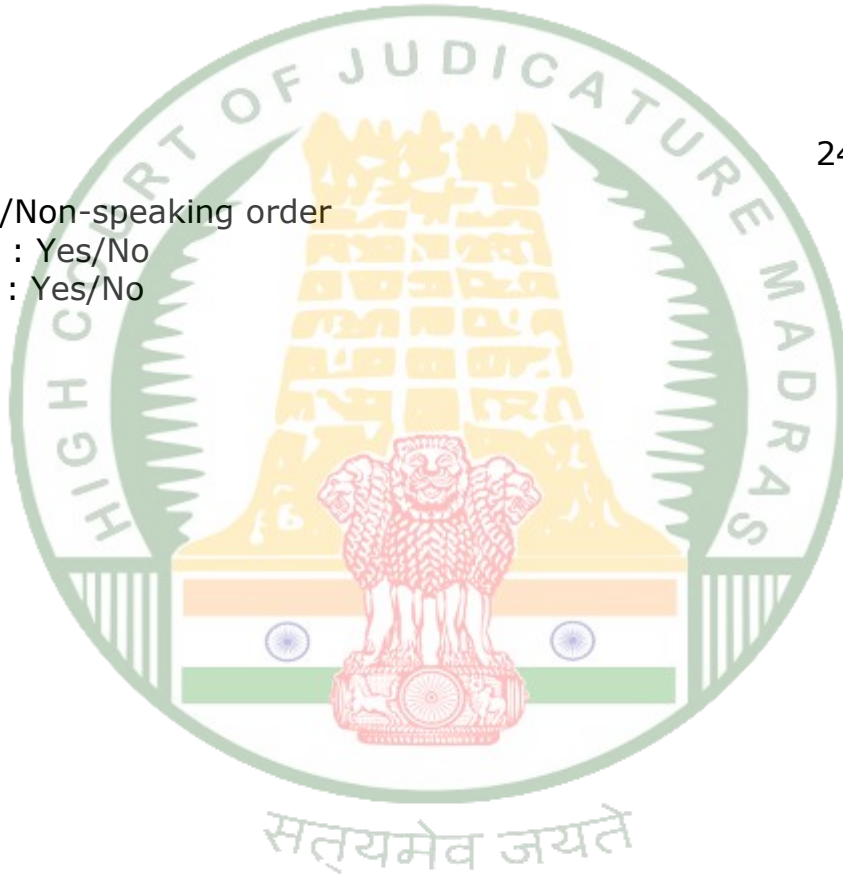
and separate possession in respect of the suit property. Though the trial commenced, the respondent filed petition for amendment to include some of the property and the same was dismissed. Aggrieved by the same, the respondent preferred civil revision petition before this Court in CRP.PD.No.314 of 2016 and this Court by order dated 18.03.2016 allowed the same and amended the plaint by including other properties. Thereafter, the petitioners were permitted to file their additional written statement.

3. At that juncture, again the respondent filed petition for amendment to delete the fourth item of the suit property for the reason that it was already mentioned as second item of the suit property. Further, the respondent omitted to state the market value of the included items of the property. Though there is no change in court fee the total market value of the property to be changed. Therefore, the court below rightly allowed the petition for amendment and also allowed the respondent to file their reply statement. The said amendment as well as filing reply statement for the additional written statement would not cause any prejudice to the petitioners as well as would not change the nature of the suit and character of the suit. Therefore, this Court finds no infirmity or irregularity in the orders passed by the court below.

4. Accordingly, both the civil revision petitions are dismissed. However, considering that the suit is of the year 2009, the trial court is directed to dispose of the suit within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

24.03.2021

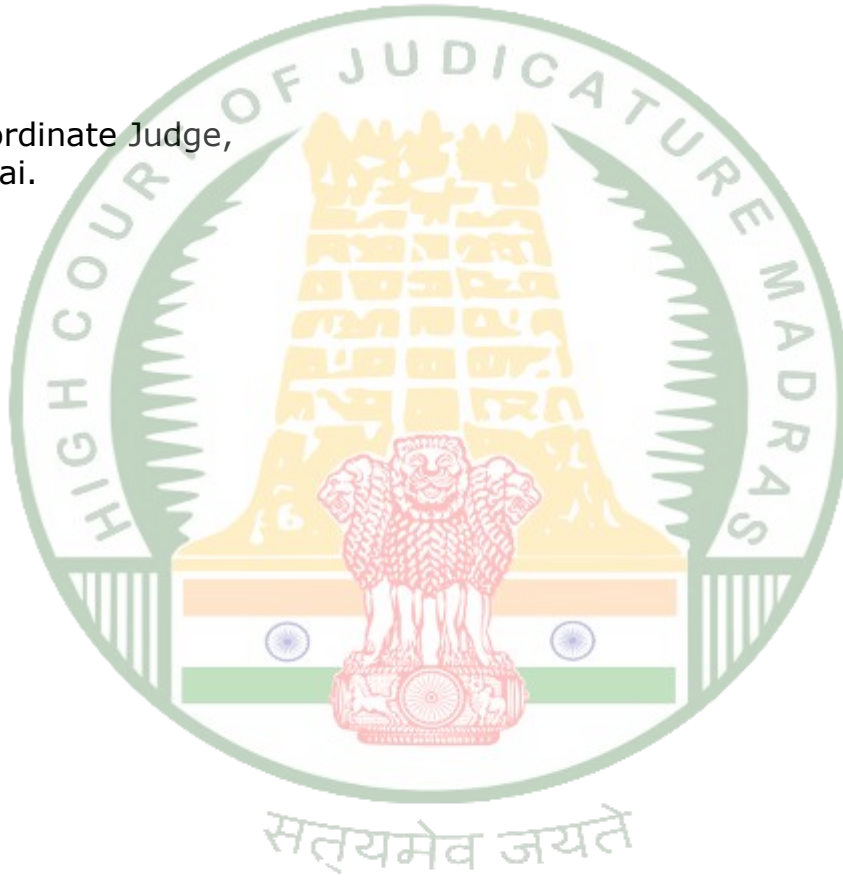
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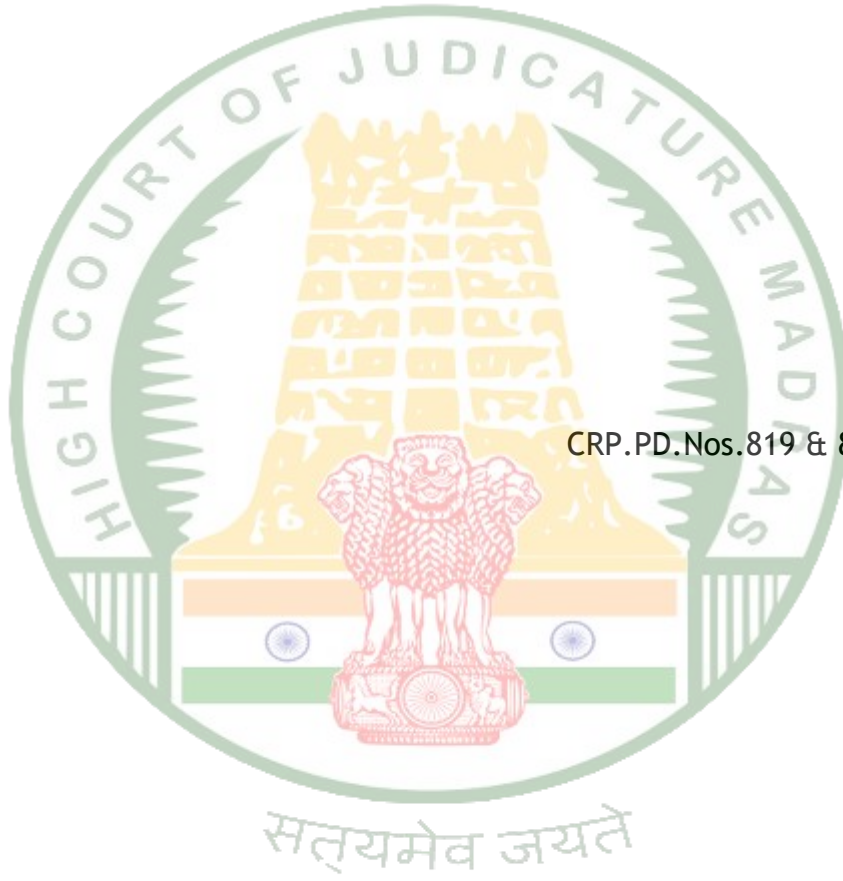
The Subordinate Judge,
Perundurai.



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G.K.ILANTHIRAIYAN,J.

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CRP.PD.Nos.819 & 820 of 2017

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