

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)Nos.2939, 2940 & 2941 of 2018
and C.M.P.No.17229 of 2018

R.Srinivasan

... Petitioner in
all CRPs.

Vs.

1. V.Janaki

Kausalya (Died)

2. The Manager
Bank of Baroda
Perundurai.

T.Palanisamy (Died)

3. G.Gunasundari

4. G. Lakshmi

... Respondents in
all CRPs.

Common Prayer :- Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 05.12.2017 made in I.A.Nos.872, 873 & 874 of 2017 in O.S.No.337 of 1990 respectively, on the file of the I Additional Subordinate Court, Erode by allowing these Civil Revision Petitions.

For Petitioner
in all CRPs : Ms.P.Rajathi
For Mr.D.Gopal

For Respondents
in all CRPs
For R1 : Mr.MGuruprasad
For R2 : No appearance
For R3 & R4 : Mr.R.Jayaprakash

COMMON ORDER

These Civil Revision Petitions have been filed as against the fair and decreetal orders dated 05.12.2017 passed by the learned I Additional Subordinate Judge, Erode, in I.A.Nos.872, 873 & 874 of 2017 in O.S.No.337 of 1990 respectively, thereby allowing the petitions seeking amendment in the plaint, preliminary decree and final decree petition, respectively.

2. The petitioner is the second defendant and the first respondent is the plaintiff. The first respondent filed suit in O.S.No.337 of 1990 for partition as against the petitioner and other respondents. The suit was decreed and preliminary judgement & decree was passed on 25.01.1995.

Against which the petitioner preferred an appeal suit in A.S.No.1203 of 1995 before this Court and the same was dismissed on 03.07.2008. Thereafter the first respondent filed petition in I.A.No.424 of 2014 to pass final decree. While pending the said petition, the first respondent filed the present petitions in I.A.Nos.872, 873 & 874 of 2017 to amend the plaint, preliminary decree dated 25.01.1995 and final decree petition in I.A.No.424 of 2014 respectively. The trial Court allowed all the petitions as against which, the petitioner filed the present Civil Revision Petitions.

3. On perusal of the impugned order, the Court below allowed all the applications before passing the final decree as per the dictum laid by this Court in the judgment reported in **1995(1) CTC 307** in the case of **Kandasamy Vs. Balammal and 4 ors.** That apart, the amendment sought for by the first respondent would not cause any prejudice to the petitioner. Therefore, the trial Court rightly allowed all the petitions and this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, all the Civil Revision Petitions are dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

28.06.2021

Internet : Yes

Index : Yes/No

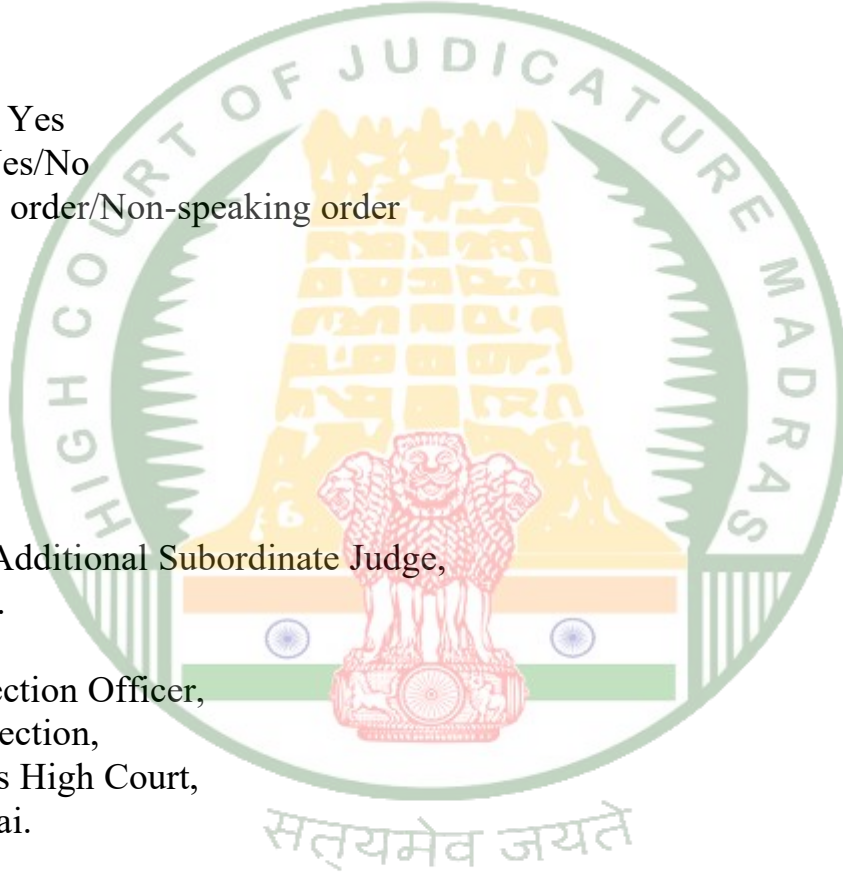
Speaking order/Non-speaking order

rts

To

1. The I Additional Subordinate Judge,
Erode.

2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

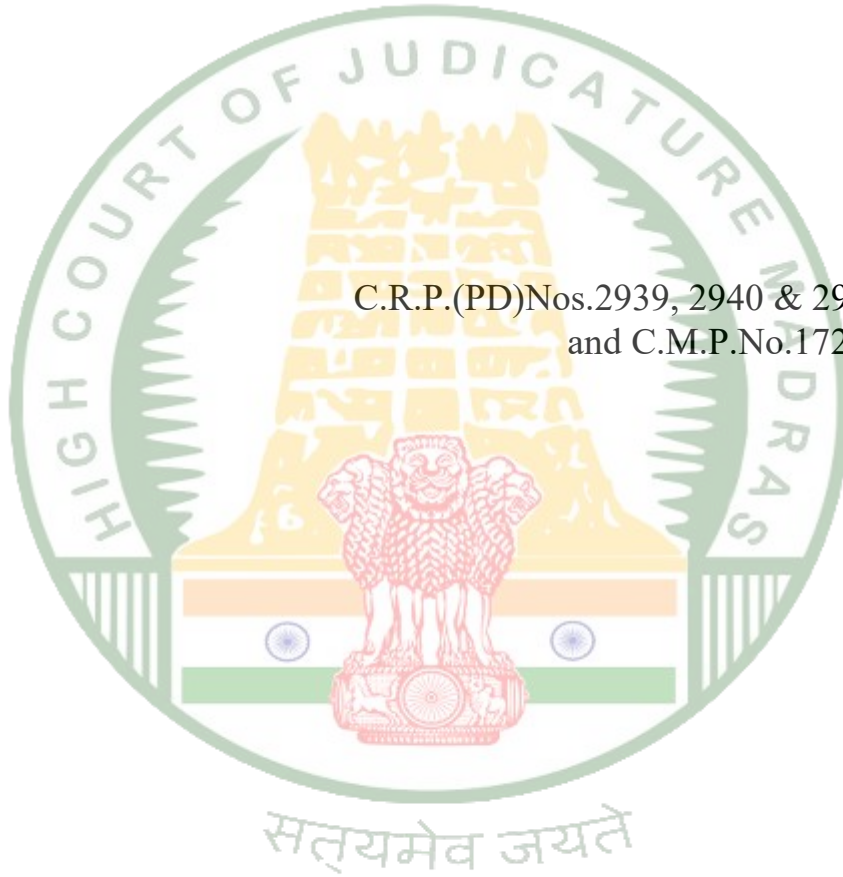


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G.K.ILANTHIRAIYAN, J.

rts



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