

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD) No.4052 of 2018
and C.M.P.No.22387 of 2018

1.Dhanalakshmi
2.Arulprabhu
3.Akilan
4.Anbukarasi Priyanga

... Petitioners

Vs

1.Pushpha
2.Arunmozhivasan
3.Aravindnesan

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decretal order dated 12.09.2018 made in I.A.No.466 of 2018 in O.S.No.149 of 2017 on the file of the Subordinate Judge, Uthangarai.

For Petitioners : Mr.M.Sudhan
for M/s.S.Thanka Sivan

For Respondents : Mr.T.Dhanasekaran

ORDER

The Civil Revision Petition is filed against the Fair and Decreetal order dated 12.09.2018 made in I.A.No.466 of 2018 in O.S.No.149 of 2017 on the file of the Subordinate Judge, Uthangarai, thereby partly dismissing the petition seeking amendment of plaint.

2. The petitioners are the plaintiffs and the respondents are the defendants. The petitioners filed the suit for declaration and permanent injunction with an alternative relief of partition and for separate possession of the suit property. Pending the suit, the petitioners filed the petition seeking amendment in respect of the dates which were mentioned in the plaint and also the relationship between the petitioners and the respondents herein. The Court below partly allowed in respect of the dates which were sought to be amended in the plaint.

3. Insofar as the relationship between the parties are concerned, the Court below dismissed the petition for the reason that when the petitioners

signed the plaint they could have seen and verified their relationship. Though the petitioners failed to state correct relationship between them, the amendment of the relationship between the parties would not change the nature of the suit and would not cause any prejudice to the respondents.

4. Therefore, the order dated 12.09.2018 passed in I.A.No.466 of 2018 in O.S.No.149 of 2017 on the file of the Subordinate Judge, Uthangarai is set aside.

5. Accordingly, this Civil Revision Petition is allowed. No order as to costs. Consequently, the connected miscellaneous petition is closed.

29.06.2021

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

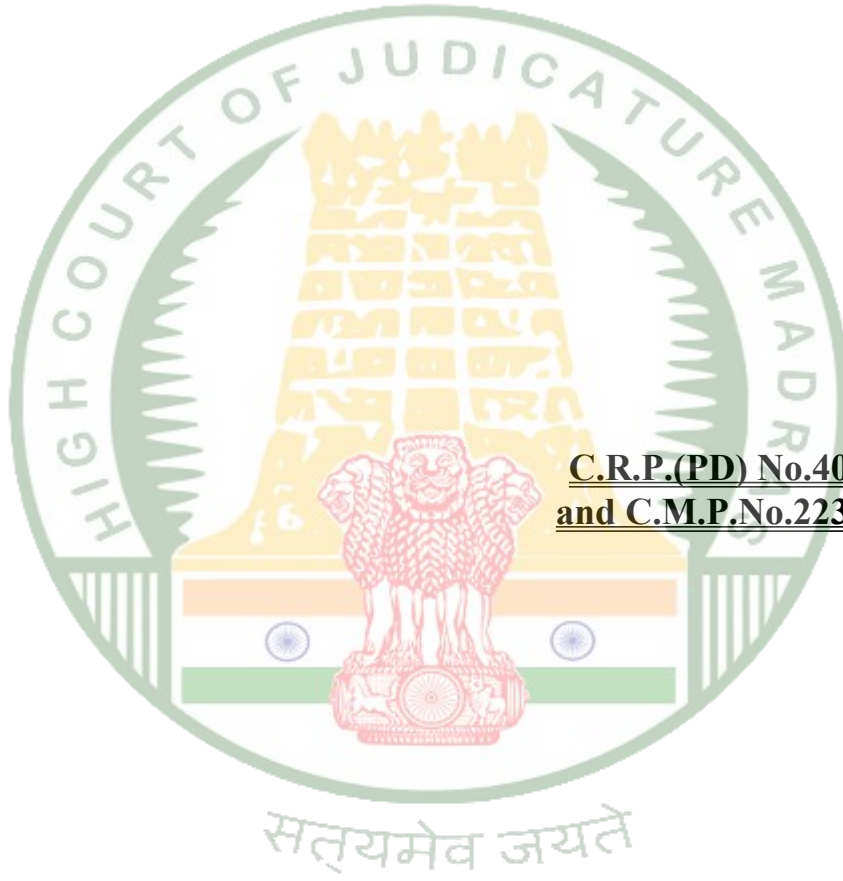
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To

The Subordinate Judge,
Uthangarai.

G.K.ILANTHIRAIYAN. J,

rna



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