



WEB COPY



C.R.P(PD)No.1112 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.04.2022

CORAM: **Mr. JUSTICE N.SESHASAYEE**

C.R.P(PD)No.1112 of 2022
and C.M.P.No.5737 of 2022

G.Kaliammal

...Petitioner

Vs.

1.B.Gokul
2.B.Nandhini
3.Balaraman
4.Vijaya
5.C.Muniasamy

6.The Sub Registrar
Velachery,
Dandeeswaram
Chennai – 600 042.

...Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, to set-aside the order dated 04.03.2022 passed in I.A.No.13715 of 2018 in O.S.No.3204 of 2016 on the file of the learned XII Assistant Court (FAC) order passed by the X Assistant Court, City Civil Court Chennai.

For Petitioner : K.R.Pughazhendhi

For Respondents : Mr.P.Harish
Government Advocate for R6



ORDER

The 4th defendant in O.S.No. 3024 of 2016 has come forward with this Revision challenging an order passed by the trial Court in I.A.No.13715 of 2018 allowing amendment of plaint.

2.The allegation of the plaintiff is that, pending his suit for declaration and other allied reliefs, the 4th defendant has encroached into the portion of the property and now seeks to introduce an amendment for recovery of portion. For this purpose, he filed I.A.No.13715 of 2018, and this was allowed, and this order of the trial Court is now challenged by the 4th defendant in this revision.

3.Heard the learned counsel for the revision petitioner.

4.Learned counsel took this Court to various facts by which he wants to demonstrate how the plaintiff is not even the owner of the property, but then it is about seeking proof against the title of the plaintiff, which may not be relevant while considering an application for amendment. The revision petitioner is at liberty to contest the matter with suitable written statement, if



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she is desirous. This Court notices that the suit is pending for six (6) years and its disposal is expedited.

5.In fine, this Court does not find merit in this revision. It directs the 4th defendant / revision petitioner to file any additional written statement to the amendment already allowed if she is so desirous for contesting the newly introduced prayer.

6.The trial Court is now required to dispose of the suit within a period of six (6) months excluding intervening Summer Holidays-2022.

7.The Civil Revision Petition is disposed of accordingly. Consequently, the Connected Miscellaneous Petition is closed. No Cost.

12.04.2022

Index : Yes/No

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To

1.XII Assistant Court (FAC)

2.X Assistant Judge, City Civil Court , Chennai.



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N.SESHASAYEE, J.,

kas/dk

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