



C.R.P.No.2405 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2022

CORAM

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

C.R.P.No.2405 of 2016
and
C.M.P. No.12413 of 2016

K.V.Mohankumar

....

Petitioner

Vs

1. V.Sundaramoorthy
2. Vasanthi
3. N.Naresh Kumar
4. N.Nandakumar
5. N.Vasanthi
6. N.Vidya

....

Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 09.03.2016 passed in I.A.No.391 of 2015 in O.S.No.269 of 2008 on the file of the I Additional District Court, Salem.

For Petitioner : Mr.T.Sezhian

For R1 : Mr.L.Mouli

For R2 to R6 : Not ready in notice



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ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 09.03.2016 passed in I.A.No.391 of 2015 in O.S.No.269 of 2008 on the file of the I Additional District Court, Salem, thereby dismissing the petition for amendment.

2. The petitioner is the plaintiff. He filed a suit for partition. Pending suit, the first defendant filed an application to amend the second item of suit schedule property. However, it was dismissed. Aggrieved by the same, the first respondent had preferred Civil Revision Petition in CRP PD.No.1420 of 2015 and the same was also dismissed by an order dated 22.04.2015. Thereafter, the petitioner filed a petition seeking amendment to the extent of the second item of the suit schedule mentioned property and the same was dismissed. Aggrieved by the same, the present Civil Revision Petition.

3. It is seen that this Court dismissed the earlier Civil Revision Petition, on the ground that already the first respondent had filed an application seeking amendment in respect of the very same subject property



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which was dismissed by the Court below. Now, the petitioner had filed a petition seeking amendment in the extent of the property viz., instead of 3 ½ cents to be substituted as 0.1289 hectares as per the sale deeds. The learned counsel for the first respondent submitted that even in the present amendment petition, they had wrongly described the property, it would be corrected and accordingly the amendment can be ordered.

4. Considering the above facts and circumstances of the case, the order dated 09.03.2016 passed in I.A.No.391 of 2015 in O.S.No.269 of 2008 on the file of the I Additional District Court, Salem, is hereby set aside. Accordingly, this Civil Revision Petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

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G.K.ILANTHIRAIYAN, J.



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The I Additional District Judge,
Salem.

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