



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2022

CORAM

THE HON'BLE MRS.JUSTICE S.ANANTHI

C.R.P (MD)No.656 of 2022

and

C.M.P (MD)No.2653 of 2022

WEB COPY

S.Jegadeeshwari ... Petitioner/1st Plaintiff
Seenivasan (Now Died) ... 2nd Plaintiff
Vs.

Pandiammal ... Respondent/Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to pass an order allowing the Civil Revision Petition and consequently revise the fair and decreetal order as made in I.A.No.4 of 2020 in O.S.No.19 of 2015 by the Subordinate Judge, Sankarankovil, Tirunelveli District, dated 12.08.2021 forthwith.

For Petitioner : Mr.M.Sahul Hameed

ORDER

The Civil Revision Petition has been filed to set aside the fair and decreetal order dated 12.08.2021 passed in I.A.No.4 of 2020 in O.S.No.19 of 2015 by the learned Subordinate Judge, Sankarankovil, Tirunelveli District.

2.Considering the nature of relief to be granted, issuance of notice to the respondent is dispensed with.

3.The said I.A.No.4 of 2020 was filed by the revision petitioner/1st plaintiff to amend the plaint under Order 6, Rule 17, 18 and Section 151 of CPC. In original plaint, the revision petitioner sought the relief of specific performance in favour of two plaintiffs on the basis of oral sale agreement entered into by both the plaintiffs. Now the second plaintiff died and the revision petitioner/first plaintiff filed amendment petition to amend the plaint as only the first petitioner is entitled for specific performance and sale agreement is also between the defendant. It is contra to the original plaint. The revision petitioner/first plaintiff must implead the legal heirs of the second plaintiff and then proceed the case and she cannot amend the plaint contra to the original plaint that too at the stage of part heard. Originally the suit is filed in the year 2015, after five years the amendment petition is filed without any proper reason. Therefore, the trial Court has rightly dismissed the said petition and this Court does not find any valid reason to interfere with the same.



4.In view of the above, this Civil Revision Petition is dismissed and the order dated 12.08.2021 made in I.A.No.4 of 2020 in O.S.No.19 of 2015 passed by the learned Subordinate Judge, Sankarankovil, Tirunelveli District, is hereby confirmed. No cost. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To
The Judge,
The Subordinate Court,
Sankarankovil.

+1 CC to M/s.S.PALANIVELAYUTHAM, Advocate (SR-15240[F] dated 30/03/2022)

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SVS (CO)
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