



CRP(PD)(MD)No.2298 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.2298 of 2022
and CMP(MD)No.11022 of 2022

K.A.K.Poovanathan

... Petitioner

versus

1. A.Navamani
Petchiammal (died)
2. Karuppanapandian
3. Uma Maheswari

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 01.09.2022 made in I.A.No.4 of 2021 in O.S.No.38 of 2019 on the file of the District Munsif cum Judicial Magistrate, Thiruppuvanam.

For Petitioner : M/s.John

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 01.09.2022 made in I.A.No.4 of 2021 in O.S.No.38 of 2019 on the file of the District Munsif cum Judicial Magistrate,



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Thiruppuvanam.

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2. The petitioner/plaintiff has filed a suit in O.S.No.118 of 2015 before the Additional District Munsif Court, Manamadurai, for declaration to declare the memorandum of understanding dated 25.03.2009, entered into between defendants 1 and 2, as null and void and to declare the sale deed executed by the 1st defendant in favour of the 2nd defendant dated 25.03.2009 as null and void and also the sale deed dated 17.10.2012, executed by the 2nd defendant in favour of the 3rd defendant, as null and void. Subsequently, the said suit was transferred to the District Munsif cum Judicial Magistrate Court, Thiruppuvanam and renumbered as O.S.No.38 of 2019. Pending the suit, the petitioner/plaintiff has filed an interlocutory application in I.A.No.4 of 2021 under Order 6 Rule 17 C.P.C. to amend the prayer with a relief to declare that a Will dated 10.11.2006 is a valid one. The trial Court, by order dated 01.09.2022, dismissed the said application. Aggrieved over the same, the present Civil Revision Petition is filed.



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3. Though the learned counsel for the petitioner has raised several grounds in support of this Civil Revision Petition, he confines his arguments to an extent that a liberty may be granted to the petitioner/plaintiff to establish the Will dated 10.11.2006 during the trial in the manner known to law.

4. Since the petitioner/plaintiff has filed the above suit for the relief of declaration based on the Will dated 10.11.2006, he can very well establish the Will dated 10.11.2006, during the trial before the trial Court, in the manner known to law.

5. Accordingly, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2022

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Internet : Yes / No.

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B.PUGALENDHI, J.

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To

1. The District Munsif cum
Judicial Magistrate,
Thiruppuvanam.

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