



C.R.P.(PD)No.1444 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)No.1444 of 2004

K.A.Krishnamoorthy

.. Petitioner

Vs.

1.Jagadambal Ammal

2.Mallaiah @ Mohan

3.Basava

4.Krishnabai (Deceased)

5.Saraswathi

6.Chinna Thambi

7.Paramasivam

8.Padmanaban

9.Sundaram

10.G.Sambandham

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11.N.Meena (Died)

12.S.Kamala

13.S.Jamuna

14.N.Vathsala (Deceased)

15.S.Rajesh

16.Devasena

17.Ashok

18.Krithika

19.S.Shankar

20.S.Raja

21.Lokambal

22.Saranya

23.N.Shalini

24.N.Divya

(Cause title accepted vide order dated
23.06.2004 made in C.M.P.No.9077 of 2004)

(4th respondent died. Respondents 16 to 22 brought on record as LR's of
the deceased R4 viz. Krishnabai vide Court order dated 15.11.2017 made
in CMP.Nos.2785 to 2787/2005 in CRP(PD)No.1444/2004)

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(14th respondent died. R23 and R24 brought on record as LR's of the deceased 14th respondent N.Vathsala vide Court order dated 15.11.2017 made in CMP.No.717/2013 in CRP(PD)No.1444/2004)

(Respondents 17 and 18 declared as major and their natural guardian E.Devasena is discharged from the guardianship vide Court order dated 12.04.2022 made in CMP.Nos.6494, 6495, 6502 & 6498/22)

(22nd Respondent declared as major and her natural guardian S.Lokambal is discharged from the guardianship vide Court order dated 12.04.2022 made in CMP.Nos.6487 and 6489/22 in CRP.(PD)No.1444 of 2004.)

25.N.Vinothkumar

26.N.Praveen Kumar

27.N.Narain Kumar

.. Respondents

(11th respondent Died. Respondents 25 to 27 brought on record as LR's of the deceased R11 viz., N.Meena vide Court order dated 28.07.2023 made in CMP.Nod.4338, 4339 and 4341 of 2023 in CRP.No.1444 of 2004).

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 30.04.20023 made in I.A.No.54 of 1982 in O.S.No.203 of 1978 on the file of the Sub Court, Tiruvannamalai.

For Petitioner

: Mr. S.Parthasarathy, Senior Counsel
for M/s.Sarvabauman Associates



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For R2 : Mr. K.Krishnan
for Mr.T.R.Rajaraman

For RR5, 12, 13 and 15 : Mr. T.R.Thirumalaisamy

For RR3, 6 to 9 and 16 : No appearance

For RR1 and 10 : Dismissed vide Court order,
dated 08.02.2023

For RR17 to 27 : Mr. K.A.Vimal Kumar

ORDER

The petition for amendment of the plaint alone without amending the preliminary decree especially, during the time of final decree petition, is not maintainable. The appropriate remedy is to seek for amendment of the plaint as well as the amendment of the preliminary decree.

2. When this was pointed out by the learned Senior Counsel Mr.S. Parthasarathy representing the learned counsel for the petitioner, he seeks liberty to withdraw the present application with a permission to move a fresh application to amend the plaint as well as the decree. The



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liberty is granted. The application in I.A.No.54 of 1982 in O.S.No.203 of 1978 on the file of the Sub Court, Tiruvannamalai, will stand dismissed as withdrawn.

3. In view of the above submissions and the liberty granted, the Civil Revision Petition is dismissed as infructuous. No costs.

09.08.2023

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No

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To

The Subordinate Judge
Tiruvannamalai.



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V.LAKSHMINARAYANAN,J.

Kj

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