



C.R.P.(PD) No.3296 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.03.2023

CORAM : JUSTICE N.SESHASAYEE

C.R.P.(PD) No.3296 of 2015
and M.P.No.1 of 2015

Nalini Sadagopan

... Revision Petitioner / Petitioner /
Plaintiff

Vs.

- 1.J.Udayakumar
- 2.J.Sugumar
- 3.J.Vijayakumar
- 4.Tamil Selvi
- 5.Manimegalai
- 6.Moorthy
- 7.Kanniammal
- 8.K.Gunasekaran Naicker
- 9.Barathiraj
- 10.R.Saranya
- 11.P.Sunmuganandhan
- 12.Nellore Narayanan Reddy
- 13.Nellore Vinathy Priya
- 14.N.Arunkumar
- 15.Muruga
R.Suseela (died)
- 16.Indupuru Srinivasulu Reddy
- 17.Walajabad Municipality
Mr.Dhanraj John Pandian
Block Development Officer
Block Panchayat, Wallajabad.
- 18.R.Muthiyan
- 19.Duraisamy Naidu
- 20.D.Sabarinath



C.R.P.(PD) No.3296 of 2015

21.Paalraji
22.Seeralan
23.Rajesh
24.Nellepatti Suresh Babu
25.Dharmalingam
26.Vagiravel
27.Vinayagam
28.Sankar
29.V.K.Rajaram Pillai
30.Jodhi Kantham
31.Gunachandrika
32.Thanasekari

... Respondents / Defendants

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the order and decretal order dated 17.04.2015 in I.A.No.32 of 2014 in O.S.No.50 of 2010 on the file of the Additional Subordinate Judge, Chengelpet and to set aside the same and thereby allow the present civil revision petition.

For Petitioner : Ms.AL.Gandhimathi
Senior Counsel

For Respondents : Mr.K.Krishnamurthy [R1 to R5]
Mr.M.Selvaraj [R23]

ORDER

The suit in O.S.No.50/2010 was laid seeking partition of Schedules 'A' to 'F', each of the schedule covering several items of properties. Schedule 'A' alone covers 86 items of properties. Of them, an amendment was taken out



C.R.P.(PD) No.3296 of 2015

vis-a-vis the valuation of Items 77 to 83.

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2. The suit was essentially laid before the District Court, Chengalpattu and later due to change in pecuniary jurisdiction, the case was transferred to Sub Court, Chengalpattu. Here the plaintiff would take out I.A.No.32/2014 for amending the plaint, wherein he has alleged that the valuation of Item Nos.77 to 83 was not properly done, and there were certain arithmetic mistakes in calculating the same. To be specific, while the extent of these properties were given in square meters (sq.mtrs), valuation was done in terms of square feet (sq.ft.).

3. This application was resisted by the defendants on the ground that the suit is ripe for trial and that the plaintiff have artificially enhanced the valuation of the suit to have it transferred to District Court, again.

4. The learned trial Judge has meticulously went through this aspect and found that there is no merit in seeking amendment, and dismissed it.

5. Heard both sides. The principal contention taken is about converting the



C.R.P.(PD) No.3296 of 2015

unit of measurement given for the extent of property from sq.mtr. to sq.ft., or vice-versa. Even if the statement made by the petitioner were accepted on its face value, still the value will fall short of the value given for each of these properties.

6. In fine, this Court does not find any merit, and accordingly dismisses this revision petition. This Court directs the learned Sub Judge, Chengalpattu to expedite the process of trial and try his/her best to complete it within a period of six months from today. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2023

ds

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

Note : Issue order copy on 15.03.2023.

To:

1. The Additional Subordinate Judge
Chengalpattu.

2. The Section Officer
VR Section, High Court, Madras.



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C.R.P.(PD) No.3296 of 2015

N.SESHASAYEE.J.,
ds

C.R.P.(PD) No.3296 of 2015

13.03.2023