



WEB COPY



CRP(PD).No.1288 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

CRP(PD).No.1288 of 2022
and CMP.No.6876 of 2022

M.Anandan

Represented by Power of Attorney Agent

S.Manohar

...Petitioner

Vs.

L.N.Ganesan

...Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair order and decretal order dated 29.11.2021 passed in I.A.No.5 of 2021 in O.S.No.10 of 2015 on the file of the Additional District Judge (Fast Track Court) Villupuram.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.K.Suresh

ORDER

This Civil Revision Petition has been filed to set aside the order dated 29.11.2021 passed by the Additional District Judge (Fast Track Court) Villupuram, in I.A.No.5 of 2021 in O.S.No.10 of 2015.



2. Before the trial Court, the revision petitioner/plaintiff filed a suit in O.S.No.10 of 2015 for the relief of declaration of title and recovery of possession and other consequential relief against the defendants. During pendency of the proceedings, the 4th defendant/respondent herein filed an application in I.A.No.5 of 2021 seeking to amend the written statement in respect of the suit property. The said application was objected by the plaintiff stating that the defendant filed written statement earlier denied title of Kandasami Gurukkal and the said Kandasami Gurukkal was not in possession, While so, a diametrically opposite stand is being taken that Kandasami Gurukkal sold the property to the defendants 1 and 2 in the year 1979 and such a plea cannot be permitted at this stage. On hearing both sides, the trial Court had allowed the application in favour of the 4th defendant/respondent herein.

3. Challenging the same, the revision petitioner/plaintiff has filed this Civil Revision Petition.

4. The learned counsel for the revision petitioner/plaintiff submitted that the Court below failed to see that the respondent/4th defendant filed a written statement denying title of plaintiff's property and the application filed by the 4th



defendant can not be permitted at the trial stage. He further submitted that no amendment can be allowed after the trial was commenced. Hence, he prays to allow this Civil Revision Petition.

5. The learned counsel for the respondent/4th defendant submitted that at any stage of trial, the application can be filed before the trial Court is acceptable one. He further submitted that the trial Court has rightly appreciated the facts and allowed the application and the petitioner filed this petition is only to drag on the proceedings. Hence, he prayed for dismissal of this petition.

6. On a Perusal of the records, it reveals that the plaintiff filed the suit for declaration and other consequential reliefs and the 4th defendant contested the suit denied the title of the plaintiff's. Hence, if the amendment is allowed would not change of character in the suit. If the opportunity is not given to the 4th defendant/respondent, his valuable right of the defence will be defeated. Hence, the trial Judge had rightly appreciated the facts and allowed the application, which needs no interference by this Court. Further, the trial Court is directed to dispose of the suit as early as possible.



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7. In view of the above, this Civil Revision Petition is disposed of.

Consequently, connected miscellaneous petition is closed. No costs.

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Speaking / Non Speaking order

Neutral Citation : Yes/No

Index :Yes/No

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To

1. The Additional District Judge, (Fast Track Court),
Villupuram.

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



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T.V.THAMILSELVI.J.

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