



C.R.P.(PD).No.2681 of 2019
and C.M.P.No.17685 of 2019

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HONOURABLE **MR.JUSTICE N.SESHASAYEE**

C.R.P.(PD).No.2681 of 2019
and C.M.P.No.17685 of 2019

1.Tamilselvi
2.Sivakami
3.Vijayaraj
4.Mahalingam
5.Kolandhaiammal @ Lakshmi

... Petitioners

Vs.

1.Jayaraman
2.Chinnapattu

3.The Tahsildar,
Harur Taluk,
Harur, Dharmapuri District

4.The Revenue Division Officer,
Harur, Dharmapuri District.

5.The Collector,
Dharmapuri District,
Dharmapuri.

... Respondents



C.R.P.(PD).No.2681 of 2019
and C.M.P.No.17685 of 2019

Prayer: Petition filed under Article 227 of Constitution of India, seeking to set aside the fair and decreetal order dated 28.06.2019 made in I.A.No.26 of 2019 in O.S.No.151 of 2013 on the file of the District Munsif Court, Harur, Dharmapuri District.

For Petitioners	: Mr.C.Prabakaran
For R1 and R2	: Mr.J.Hariharan for Mr.V.Nicholas
For R3 and R4	: Mr.C.Jayaprakash Government Advocate

ORDER

The plaintiffs have laid a suit for declaration of title and certain ancillary reliefs. According to the plaintiffs, the suit property originally belongs to certain Ramasamy, upon whose demise, the property devolved on his son Rangasamy, and on whose demise, the property devolved on their father Radhakrishnan and when Radhakrishnan died, the property devolved on them.

2.The defendants' principal contention is that the plaintiffs' paternal grand father Rangasamy had married the third defendant and defendants 1 and 2 were born to them. In other words, these defendants 1 and 2 claim to be the



C.R.P.(PD).No.2681 of 2019
and C.M.P.No.17685 of 2019

WEB COPY

step brothers of Radhakrishnan and they also take some right in the suit property.

3.The defendants have filed their written statement and also an additional written statement and the trial of the suit is yet to commence. At this stage, the defendants have taken out I.A.No.26 of 2019 for amending the written statement, where they want to drop the name of Radhakrishnan in paragraph 9 and the name of certain Rajammal in paragraph 10. This was allowed and this order of the trial Court is now under challenge in this revision.

4.Heard both sides.

5.In a suit for title based on devolution of interest, the plaintiffs trace the title through their father, whereas the defendants claim their title through the paternal grandfather of the plaintiffs. Given the setting, the nature of amendment sought by the defendants and allowed by the trial is not likely to affect either the cause of action or the nature of defence already taken. Hence, this Court does not incline to interfere with the order of the trial Court.



WEB COPY



C.R.P.(PD).No.2681 of 2019
and C.M.P.No.17685 of 2019

N.SESHASAYEE

Anu

6.In view of the above, this Civil Revision Petition is dismissed. No Costs. Consequently, the connected miscellaneous petition is closed. The trial Court is now required to kick start the trial forthwith and expedite its conclusion as the case is now in its 10th year of its institution.

07.03.2023

Anu

Index : yes / no

Internet : yes / no

Speaking / non speaking

Copy to:

The District Munsif Court,
Harur, Dharmapuri District

C.R.P.(NPD).No.2681 of 2019
and C.M.P.No.17685 of 2019



WEB COPY



C.R.P.(PD).No.2681 of 2019
and C.M.P.No.17685 of 2019