



CRP. No. 3408 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2023

CORAM:

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

CRP No. 3408 of 2023
& CMP No. 21148 of 2023

Kasuthuri Bhai

...Petitioner

Vs.

- 1.Kannammal
- 2.A.Yoganantham
- 3.A.Devaraj
- 4.A.Lakshmi
- 5.A.Suseela
- 6.I.Revathi
- 7.The Tamil Nadu Slum Clearance Board,
Rep, by its Chairman
No. 5, Kamarajar Salai,
Chepauk, Chennai - 600 005.
- 8.The Assistant Secretary(Plots)
The Tamil Nadu Slum Clearance Board,
Chennai - 600 005.
9. The Tahsildar
Purasawalkam - Perambur Taluk,
No.2, Perambur High Road,
Perambur Chennai - 600 011.

....Respondents



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PRAYER : This petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 12.07.2023 passed by the learned XVI Additional City Civil Court, Chennai by dismissing the I.A No. 10 of 2023 in O.S No. 936 of 2019 and consequently allow the same.

For Petitioner : Mr.R.Dhansekar
For R1 to R6 : Mr.S.Kingston Jerald
For R7 & R8 : Mr. S.Karthikeyan
For R9 : Mr. V.Jeeva Sridharan.

ORDER

This petition has been filed to set aside the fair and decreetal order dated 12.07.2023 passed by the learned XVI Additional City Civil Court, Chennai by dismissing the I.A No. 10 of 2023 in O.S No. 936 of 2019 and consequently allow the same.

2. The petitioner herein filed the suit for partition is O.S No.936 of 2019 and filed I.A No. 10 of 2023 to amend the plaint by including item No.II. i.e., All that piece and parcel of housing plot bearing Plot No. 24, Door No. 11, comprised in R.S No. 221/2(part), measuring to a total extent of 75 sq.mtrs. (807 sq.ft). situated at Vivekanandhar Street, Thirumoolar Colony, Anna Nagar West, Koyambedu Village, Egmore - Nungambakkam Taluk, Chennai District, North by-Vivekanandhar Street, South by Plot No.25, East by Adhisankarar Street & Plot No. 23, West by plot No. 23,



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measuring East to West on the Northern side - 6.4 meter, East to West on the southern side 5.0 & 1.2 mtere, North to South on the Eastern side - 19.4 meter, North to South on the western side - 8.8 & 9.6 meter, within the Sub-Registraion District of Anna Nagar, Registration District of Central Chennai. After considering the submissions on either side, the Trial Court dismissed the said application. Challenging the same the petitioner filed the present revision petition.

3. Heard both sides.

4. On perusal of the records, it reveals that the petitioner filed the suit in O.S No. 936 of 2019 for partition and declaration and other consequential relief. On 07.12.2022, the petitioner came to know about the allotment of Plot No. 24 to her father. Hence, the petitioner filed I.A No. 10 of 2023 in OS No. 936 of 2019. But on seeing the fact of the case, both side evidences were completed and the matter was posted for arguments at this stage the petitioner filed the said application, if such application is allowed which leads to multiplicity of proceedings and the same was rightly appreciated by the Trial Court which needs no interference.



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5. In the result, this petition is dismissed. No costs. Consequentially,
connected miscellaneous is closed.

07.12.2023

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To

1. The XVI Additional City Civil Court, Chennai.



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T.V.THAMILSELVI, J.

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