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A.No.4879 of 2022

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in C.S.No.41 of 2022

SENTHILKUMAR RAMAMOORTHY, J.

In a suit for partition, the plaintiff has presented this application for amendment of the plaint. Learned counsel for the applicant / plaintiff submits that the respondents raised the objection that a release deed was executed by the plaintiff on 13.05.2011 in respect of item-1 of the suit schedule property. Therefore, the present application is filed for a declaration that the alleged release deed is null and void.

2. Both the respondents have filed their counter affidavits. In the counter affidavit of the first respondent, it is stated that the applicant has filed the suit without any valid claim or interest over item-1 of the suit schedule property. In the counter of the second respondent, it is stated that the applicant / plaintiff was aware about the release deed and suppressed the same in the plaint.



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3. The suit is at the pre-trial stage. The amendment prayed for will not alter the nature and character of the suit. Therefore, this application is liable to be and is, hereby, allowed as prayed for. Consequently, the plaintiff is directed to carry out the amendments in the plaint on or before 10.02.2023 and serve a copy of the amended plaint on the defendants.

4. List the matter on 20.02.2023.

27.01.2023

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