



C.R.P.No.4283 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

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

C.R.P.No.4283 of 2023

and

C.M.P.No.26042 of 2023

1.Bharathi @ Bharath

2.Dhesingh Raja

... Petitioners

-Vs-

1.Radhidevi

2.Minor Tharun Siva

3.Minor Modhikasri

(Respondents 2 and 3 represented by
next friend and natural guardian

1st respondent Radhidevi)

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed in I.A. No.5 of 2023 in O.S. No.231 of 2021 on the file of the learned Additional District Judge, Krishnagiri dated 08.06.2023.

For Petitioners

: Mr.K.Thiruvengadam



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ORDER

Challenging the impugned order passed in I.A.No.5 of 2023 in O.S.No.231 of 2021 passed by the learned Addl. District Judge, Krishnagiri, the Revision Petitioners/defendants preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the respondents/plaintiffs filed an application to amend the pleadings and the same was allowed. Aggrieved over the same, they preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioners would submit that after the commencement of trial, the plaintiffs filed an application praying to include new pleadings is not permissible under law. But, the trial judge erroneously allowed the application. Hence, they prayed to set aside the findings of trial judge.

5. Records perused. On perusal of entire facts, it reveals that the respondents/plaintiffs filed a suit for partition in the year of 2021 and subsequently, they have filed an application to amend the pleadings in respect of sale made by 1st plaintiff's mother-in-law, which was not known



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to her earlier, since because her husband also passed away long back. So, the reasons assigned by the Revision Petitioners as such is permissible under law, as she approached the court as a legal heir of her husband viz., Parivallal and now she wanted to add the pleadings in respect of the property sold by her mother-in-law. If she is not permitted to amend the pleadings, it will lead to multiplicity of proceedings. So, the trial judge rightly appreciated the facts and allowed the application, which needs no interference. Accordingly, this Civil Revision Petition is dismissed. Liberty is granted to the Revision Petitioners to raise their objections before the trial court by filing additional written statement. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

30.11.2023

Index : Yes/No
Speaking Order : Yes/No
rpp

To

The Additional District Judge, Krishnagiri



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T.V.THAMILSELVI, J.

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