



C.R.P.No.4168 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2023

CORAM:

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

C.R.P.No.4168 of 2023

and

C.M.P.No.25409 of 2023

1.Mani

2.Sakthivel

... Petitioners

-Vs-

Marudhayee (Died)

Subramaniyan

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and final order in I.A. No.22 of 2023 in O.S. No.242 of 2015 dated 23.06.2023 on the file of the II Additional District Munsif, Kallakurichi.

For Petitioner

: Mr.M.Sukesh



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ORDER

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Challenging the impugned order passed in I.A.No.22 of 2023 in O.S.No.242 of 2015 passed by the learned II Addl. District Munsif, Kallakurichi, 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 in I.A.No. 22 of 2023 under Order VI Rule 17 of C.P.C. praying to amend the plaint pleadings as well as description of property. That application was objected by the Revision Petitioners/defendants stating that though the suit was filed in the year of 2015, the alleged settlement deed dated 07.09.2016 relied on by the respondents/plaintiffs has not been disclosed before the court for all these 6 years. Now, suddenly, by way of amendment, they came to the knowledge of settlement deed, as such is not permissible and to that effect, amendment was also cannot be accepted. Accordingly, they raised objection. On considering



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both side submissions, the trial judge allowed the said application stating that the 1st plaintiff had executed a settlement deed settling the property in favour of her son Subramaniam in the year of 2016 and after her demise, he is entitled to proceed with the case. Challenging the said findings, the revision petitioners/defendants preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioners would submit that the execution of settlement deed was not disclosed before this court at the earliest point of time and after the death of original plaintiff Marudhayee, her son claiming right through her mother, as such is not permissible and other legal heirs are also not impleaded. But, without considering his submissions, the trial judge erroneously allowed the said application. Hence, they prayed to set aside the findings of trial judge.

5. Records perused. On perusal of entire records, it reveal that as per the settlement deed, the proposed party is claiming right over the property. If at all the revision petitioners/defendants are having any objection, by filing their additional written statement, they are entitled to putforth their contentions before the trial court. Furthermore, the revision petitioners



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have also not able to say who are original plaintiff's legal heirs. So, I do not find any merit in this Civil Revision Petition and order of trial court confirmed. Accordingly, this Civil Revision Petition is dismissed as no merit. Liberty is granted to the Revision Petitioners/defendants to file their additional written statement before the trial court. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

01.12.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The II Additional District Munsif, Kallakurichi.

T.V.THAMILSELVI, J.



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