



C.R.P.No. 4564 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4564 of 2023

Lakshmi

.. Petitioner

Vs

1.Rajammal

2.Kuppan

3.Perumal

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decree passed by learned District Munsif, Vandavasi in I.A.No.1 of 2022 in O.S.No.90 of 2014 dated 12.10.2023.

For Petitioner

: Ms.T.Sreelekha

ORDER

This Civil Revision Petition is filed challenging the impugned order passed in I.A.No. 1 of 2022 in O.S.No. 90 of 2014, the plaintiff has preferred this revision.



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2. Before the trial Court, the plaintiff / petitioner herein filed an application to change the nomenclature of the document as koor chit and also to declare the sale deed dated 25.11.2008 executed by first defendant in favour of the second defendant as null and void. The said application was objected by the defendants / respondents herein stating that after the commencement of the trial, to drag on the proceeding, such application was filed. Furthermore, the proposed amendment also would change the character of the suit. Further, the trial Judge made an observation that the alleged document is a settlement deed. Accordingly, the application was dismissed. Aggrieved by the said finding, the plaintiff has preferred this revision.

3. The learned counsel for the petitioner submits that before commencement of the trial, to avoid further complications, she prayed for declaration and other consequential relief and also to change the nomenclature of the document. The copy of the document produced by the revision petitioner, which shows that it is an unregistered document dated 29.07.1991.



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4. Now, according to the revision petitioner, either it is a koor chit or unregistered partition deed or document with no name, the same can be decided only at the time of the trial. If at all opportunity is not given to her, her valid right to defend the case will be defeated.

5. Already, plaintiff / petitioner herein is aged about more than 60 years as on date and she filed the suit for declaration and other consequential relief. Therefore, if opportunity is not given to her, she would not be able to prove her claim before the trial Court during her life time but the trial Judge failed to appreciate all the facts. Therefore, the order passed by the trial Court in I.A.No.1 of 2022 in O.S.No.90 of 2014 is set aside. Liberty is granted to the defendants / respondents to file additional written statement.

6. In the result, the Civil Revision Petition is allowed. No costs.

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Index :Yes/No
Neutral Citation :Yes/No
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T.V.THAMILSELVI, J.

AT

To
The District Munsif, Vandavasi.

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