



C.R.P.(MD)No.1217 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(MD)No.1217 of 2019

and

C.M.P(MD) No.6840 of 2019

S.Pitchai Ammal (Died)

1. Chinnaponnu
2. Bose
3. Pappa
4. Chellakalai
5. Murugan

... Petitioners/Petitioners/
Plaintiffs

-vs-

1. Murugan
2. Subramanian
3. Balamurugan
4. Andikonar

... Respondents/Respondents
/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to amend the reply statement filed by them in I.A.No. 637 of 2018 in O.S.No.113 of 2013 on the file of the District Munsif, Madurai Taluk, Madurai, who dismissed the same on 14.02.2019.



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For Petitioners : Mr.V.Maragathavel

For Respondents : M/s.M.Nila
for Mr.R.Manoharan

ORDER

The present Civil Revision Petition has been filed by the petitioners under Article 227 of the Constitution of India, to amend the reply statement filed by them in I.A.No.637 of 2018 in O.S.No.113 of 2013 on the file of the District Munsif, Madurai Taluk, Madurai, who dismissed the same on 14.02.2019.

2. The petitioners are the plaintiffs and the respondents are the defendants before the trial Court.

3. For the sake of convenience, the parties will be referred to as per the litigative status in the suit.

4. The learned counsel appearing for the petitioners would submit that the petitioners have filed a petition to amend the reply statement. In the reply statement, they have admitted Andikonar, who is the 4th respondent/4th



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defendant herein, who was a person executed the sale deed in respect of the suit property in S.F.No.105/3. However, subsequent to the filing of the reply statement, on enquiry, they came to know about that Andikonar who is the 4th defendant is not the real Andikonar who executed the sale deed in their favour. Therefore, they wanted to amend the reply statement by deleting paragraph No.3 and adding as stated in the amendment application.

5. While perusing the particulars of the amendment, they have stated that Andikonar referred to in the reply statement is not the real Andikonar and that the real Andikonar has left from the village and the present 4th defendant seems to be an impersonator of the said Andikonar.

6. The said amendment was strongly objected by the learned counsel for the respondents on the ground that the valuable right conferred upon the defendants is now attempted to be withdrawn by the plaintiffs by way of filing an amendment application.

7. The Court below, after considering all the aspects, dismissed the application on the ground that such withdrawal of admission cannot be



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permitted. According to this Court, the said finding is in order and as per factual position. Therefore, this Court could not find any infirmity in the order passed by the Court below.

8. In the result, this Civil Revision Petition is **dismissed**. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

12.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The District Munsif,
Madurai Taluk,
Madurai.



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C.KUMARAPPAN,J.

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