



CRP(PD)(MD)No.7 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**CRP(PD)(MD)No.7 of 2023**

**and**

**CMP(MD)No.87 of 2023**

1. Seethalakshmi
2. Renganayaki

... Petitioners

versus

1. Venkatasamy
  2. Thiruvankatasamy (died)
  3. T.Leelavathi
  4. Guruviah
  5. Seenivasan
  6. Alagarsamy
  7. Raguraman
  8. Sennakesavan
  9. A.Venkatachalapathy
- (RR1, 5, 6, 9 are given as  
set *ex parte*)

... Respondents

Civil Revision Petition filed under Article 227 of Constitution of  
India, to set aside the fair and decretal order dated 20.10.2022 made in



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I.A.No.1 of 2021 in O.S.No.93 of 2019 on the file of the District  
Munsif cum Judicial Magistrate No.I, Srivilliputhur.

For Petitioners : Mr.P.Santhoshkumar

### **ORDER**

This Civil Revision Petition is filed as against the order dated 20.10.2022 made in I.A.No.1 of 2021 in O.S.No.93 of 2019 on the file of the District Munsif cum Judicial Magistrate No.I, Srivilliputhur.

2. The petitioners/plaintiffs originally filed a suit in O.S.No.86 of 2013 before the District Munsif Court, Sivakasi, seeking the relief of partition. Thereafter, it was transferred to the District Munsif cum Judicial Magistrate No.I, Srivilliputhur and renumbered as O.S.No.93 of 2019. In the said suit, trial was over and when the suit was posted for arguments, the petitioners/plaintiffs filed an interlocutory application in I.A.No.1 of 2021 in O.S.No.93 of 2019 under Order 6 Rule 17 C.P.C. to amend the plaint that the market value of the



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property is raised and therefore, it has to be added in the plaint. The trial Court, considering the proviso to Order 6 Rule 17 C.P.C, dismissed the said application, by order dated 20.10.2022. Aggrieved over the same, the present Civil Revision Petition is filed.

3. Proviso to Order 6 Rule 17 C.P.C. provides that amendment of pleadings shall not be allowed when the trial of the suit has already commenced.

4. In the present suit, trial was over and when the suit was posted for arguments, the above said application for amendment of pleadings was filed. Considering the stage of the suit and also considering the proviso to Order 6 Rule 17 C.P.C., the trial Court has rightly dismissed the said application. Therefore, this Court is not inclined to interfere with the order passed by the trial Court.



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5. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**04.01.2023**

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The District Munsif cum Judicial  
Magistrate No.I,  
Srivilliputhur.

2. The Section Officer,  
V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

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