



C.R.P.No.2805 of 2015

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No.2805 of 2015

E.V.Ramamoorthy

..Petitioner

Vs.

1.R.V.Kanna Pillai

2.Chinna Ponnu Ammal

3.K.Gangadharan

4.K.Umapathi

5.K.Devaraj

6.P.Rani

7.S.Panchalai

8.E.Sudha

9.Indimathi

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order and decree dated 10.11.2014 made in I.A.No.357 of 2012 in O.S.no.21 of 2005 on the file of Court of Subordinate Judge, Ranipet, Vellore District.



C.R.P.No.2805 of 2015

For Petitioner : Mr.T.P.Prabakaran

For Respondents : No appearance

ORDER

Aggrieved by the dismissal of his application under Section 152 and 151 of the Code of Civil Procedure to amend the decree that was passed in O.S.No.21 of 2005, the plaintiff in the said suit is on revision.

2. The suit was filed by him for partition and separate possession of his 1/5th share, contending that the suit properties are joint family properties belonging to the joint family, of which the 1st defendant is the Karta. The 2nd defendant is the wife of the 1st defendant and the defendants 3 to 9 are the children of the defendants 1 and 2.

3. The learned trial Judge agreed with the contention of the plaintiff that all the properties are ancestral joint family properties and therefore the plaintiff as the son would be entitled to a share. The learned trial Judge therefore held that the plaintiff would be entitled to 1/9th share in the properties.



C.R.P.No.2805 of 2015

WEB COPY

4. The plaintiff would seek amendment of the judgment and decree contending that he had sought for 1/5th share. The learned trial Judge observed that the suit is decreed for partition as prayed for in the plaint and therefore he should have allotted 1/5th share. The application for amendment has been dismissed on the ground that the learned trial Judge has found that the plaintiff is not entitled to 1/5th share and the defendants 6 to 9 who are daughters of the defendants 1 and 2 would also be entitled to equal share along with the plaintiff. In fact, it has been found that there is no typographical error in the judgment of the trial Court.

5. Be that as it may, as the law stands today, the plaintiff and the defendants 3 to 9 being the children, both male and female, of the defendants 1 and 2 would be entitled to equal share in the joint family properties. Therefore, the decree as granted by the trial Court is strictly in accordance with law as declared by the Hon'ble Supreme Court in **Vineeta Sharma Vs. Rakesh Sharma and others** reported in **AIR 2020 SC 3717**.



C.R.P.No.2805 of 2015

6. Hence, I see no reason to interfere with the order of the trial

Court. The revision therefore fails and it is accordingly **dismissed**. No costs.

12.01.2024

dsa

Index : No

Internet : Yes

Neutral Citation : No

Speaking order



C.R.P.No.2805 of 2015

To
The Subordinate Judge,
Ranipet, Vellore District.



WEB COPY



C.R.P.No.2805 of 2015

R.SUBRAMANIAN,J.

dsa

C.R.P.No.2805 of 2015

12.01.2024