



WEB COPY



CRP.No.1658 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

CRP.No.1658 of 2024
and CMP.No.8754 of 2024

M.Geetha Lakshmi

... Petitioner

Vs

1.S.Murukesan
2.R.R.Subramanian

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order and decretal order of dismissal dated 13.02.2024 passed in I.A.No.2 of 2020 in O.S.No.328 of 2014 by the learned VI Additional Principal Family Court Judge at Chennai.

For Petitioner : Mr.R.S.Vaideeswaran

ORDER

The revision petitioner herein is the plaintiff and the respondents are the defendants in the suit in O.S.No.328 of 2014.



CRP.No.1658 of 2024

WEB COPY 2. The suit in O.S.No.328 of 2014 on the file of Family Court, Chennai

was originally presented for an order of permanent injunction restraining the first defendant from in any manner, encumbering or alienating the suit schedule property by executing an agreement of sale, settlement, lease, or mortgage etc., A further relief of permanent injunction restraining the first defendant from interfering with the possession, had also been sought.

3. Pending the suit, an application was taken out by the plaintiff under Order VI Rule 17 in I.A.No.2/2020 seeking an amendment of the plaint. By this amendment, the plaintiff wanted to change the suit into one for declaration, wherein she prayed that she has 50% right over the flat which is the subject matter of the suit, and also for a declaration that she is entitled to a share in it.

4. The learned Trial Judge, after receiving the counter from the defendants, came to the conclusion that such a relief as sought by the plaintiff would change the cause of action of the suit, and accordingly dismissed the said application on 13.02.2024. Against the said order, the present revision



CRP.No.1658 of 2024

has been filed.

WEB COPY

5. As narrated above, the suit was originally filed for permanent injunction. Subsequently, the plaintiff now seeks to strike a claim over the very property in which she is not residing. If such an amendment is granted, it will change the frame of the suit and also the cause of action. Therefore, it will go beyond the fundamental elements of Order VI Rule 17 of CPC.

6. In the light of the above, I do not find any error in the order of the learned VI Additional Principal Judge, Family Court, Chennai, dismissing the amendment application filed in I.A.No.2 of 2020 in O.S.No.328 of 2014. Accordingly, the civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.04.2024

Index:Yes/No

Speaking order/Non-speaking order
ds

To

1.The VI Additional Principal Judge
Family Court, Chennai.



CRP.No.1658 of 2024

2.The Section Officer
VR Section, High Court, Madras.

WEB COPY

V.LAKSHMINARAYANAN,J.

ds

CRP.No.1658 of 2024

18.04.2024



WEB COPY



CRP.No.1658 of 2024