



C.R.P. No.1452 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P. No.1452 of 2021
and
C.M.P. No.11347 of 2021

R. Srikanth S/o. Ramakrishnan

... Petitioner

vs.

1. R. Kumar S/o. Ramakrishnan

2. Kiruparani W/o. V.V. Sathiyarayanan

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order of the learned I Additional Subordinate Judge of Salem dated 05.02.2020 passed in I.A. No.1 of 2019 in O.S. No.317 of 2010.

For Petitioner : Mr. K. Ramanraj

For Respondents : Mrs. G. Sumitra [for R1]
Mr. H. Karthik Seshadri [for R3]

ORDER

The Civil Revision Petition is filed challenging the order passed by the



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Trial Court allowing the amendment application filed by the 1st respondent/plaintiff.

2. The 1st respondent herein R. Kumar filed a Suit for Partition against the petitioner and other respondents. Pending suit, the instant application has been filed by the 1st respondent seeking to include yet another item in the schedule of the partition suit as Item No.11. It is the case of the 1st respondent that three immovable properties of the family have been omitted in the schedule while filing suit and in order to have comprehensive adjudication in respect of the family properties, the said properties should also be included in the schedule of the plaint.

3. The said application was opposed by the petitioner on the ground that the properties said to be included were already divided and therefore, they were not available for partition. Whether the properties said to be included are available for partition or not is the matter to be decided by the Trial Court at the time of final disposal. Therefore in order to have apprehensive adjudication, the Trial Court has rightly allowed the amendment



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application and I do not find any error in the impugned order passed by the Trial Court.

4. It is seen from the records that the suit for partition filed by the 1st respondent was of the year 1992. The suit was originally numbered as O.S. No.83 of 1992 on the file of Sub Court, Salem and later it was re-numbered as O.S. No.317 of 2010. Having regard to the suit is of the year 1992, the Trial Court is directed to dispose of the suit as early as possible.

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

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The I Additional Subordinate Judge of Salem .



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S.SOUNTHAR, J.

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