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C.R.P.(PD).No.2232 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.2232 of 2019
and CMP.Nos.14465 of 2019

- 1.Thulasimani
- 2.Ammami
- 3.L.C.Palanisamy
- 4.Pushpa

... Petitioners

vs.

- Valliammal (died)
Ramayal (died)
- 1.Arukkayal
 - 2.Chinnapillai
 - 3.Manian @ Jaganathan
 - 4.Lakshmi
 - 5.Vasantha
 - 6.Chinnasamy
 - 7.Kolandaiyanna Gounder
 - 8.Nachimuthu

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order made in I.A.No.1332 of 2018 in O.S.No.408 of 2012 on the file of the District Munsif, Avinashi by allowing this Civil Revision Petition.



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For Petitioners : Mr.C.Munusamy
For Respondents : No appearance
for R1, R5, R7 and R8
R2 to R4 and R6 -Not ready in notice

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court allowing the petition for amendment of the plaint.

2. The petitioners/plaintiffs filed a suit for partition restraining the respondents from interfering with their peaceful possession and enjoyment of the suit property. While describing the suit property, the same was described in Old Survey No.191 part, new S.No.191/12.

3. It is the case of the petitioners that the suit property lies in two Sub Division Nos. 191/12 and 191/14 and in the description of the property, the petitioner erroneously failed to mention S.No.191/14 and mentioned only 191/12. Therefore, the instant application has been filed seeking amendment of the plaint.



4. The said application was vehemently opposed by the respondents on the ground that amendment application has been filed by the petitioners belatedly after several years from the date of filing of the suit.

5. The amendment application was allowed by the trial Court by observing that in order to have comprehensive adjudication of the lis, the amendment sought for shall be allowed. Though the trial Court observed that the suit is for partition and hence the parties should be afforded with an opportunity to include all the properties available for partition, a perusal of the typed set of papers would indicate that the suit is filed only for permanent injunction. The suit property was described as Old S.No.191 part and new Natham S.No.191/12. Now, by way of amendment, the petitioners want to include yet another Sub-division S.No.191/14. However, the petitioners have not sought for any amendment as far as Old S.No.191 part. Therefore, the amendment will not cause any serious prejudice to the respondents, the petitioners only want to include one of the New Sub Division number relevant to the Old survey number which remains unchanged.



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6. In such circumstances, I do not find any reason to interfere

with the order passed by the trial Court, allowing the amendment application.

Accordingly, the Civil Revision Petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

28.02.2024

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

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To
The District Munsif,
Avinashi.



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S.SOUNTHAR, J.

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