



A. No.4544 of 2023

Reserved on: 12.06.2024

Pronounced on: 14.06.2024

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A. No.4544 of 2023

in

C.S. No.661 of 2015

P.B.BALAJI, J.

This is an Application filed seeking amendment of the plaint to incorporate pleadings with regard to the decree in A.S.No.44 of 1982 and the settlement deed executed by the 1st defendant in favour of the 2nd defendant. The plaintiff also seeks to add a relief of declaration to declare various settlement deeds in Document Numbers 3435 of 2003, 3436 of 2003 both dated 26.09.2003 and 3047 of 2014 dated 14.07.2014 and settlement deed dated 21.11.2014 in Document Number 4887 of 2014 as void ab initio.

2. The application is opposed on the ground that the additions are an afterthought and introduces a new cause of action.

3. I have heard the learned counsels for both the parties. Admittedly, the property involved in the present suit and the property involved in A.S.No.44 of 1982 are one and the same and the settlement deeds which are



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now sought to be impugned by way of amendment are also relating only to the suit property. The trial is yet to commence and therefore, I do not find any serious prejudice being caused to the respondents, if the Application for amendment is ordered as the suit is substantially one for partition and separate possession. The settlement deeds which are now sought to be challenged would certainly have a direct bearing on the rights of the plaintiffs, if any.

4. Therefore, in the interests of justice, the Application for amendment is to be ordered. Accordingly, A.No. 4544 of 2023 is allowed. Amendment to be carried out by the learned counsel for the plaintiffs and amended copy to be filed within two weeks. Call on 02.07.2024.

14.06.2024

rkp



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P.B.BALAJI, J,

rkp

Pre-delivery ORDER in
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in
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14.06.2024