



CRP No.5037 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.5037 of 2023

Pongammal (Died)

1.Ramachandran

2.Maheshwari

... Petitioners

Vs.

Mrs.Sellam

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order in IA No.1 of 2019 in O.S.No.286/2006 by the learned Additional District Munsif, Perambalur dated 14.06.2023 and allow the civil revision petition.

For Petitioner

: Mr.G.Ilamurugu

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order in IA No.1 of 2019 in O.S.No.286/2006 dated 14.06.2023 on the file of the learned Additional District Munsif, Perambalur and allow the civil revision petition.



CRP No.5037 of 2023

WEB COPY

2. The petitioners are the defendants and respondent is the plaintiff in O.S.No.286 of 2006 on the file of the learned Additional District Munsif, Perambalur. The respondent/plaintiff has filed the suit for partition of the suit schedule properties. Pending trial, the respondent had earlier filed an interlocutory application in IA No.590 of 2018 seeking permission for filing additional pleadings, which was dismissed. Thereafter, the respondent/plaintiff had filed another interlocutory application in IA No.1 of 2019 for amending the plaint in respect of the survey number and also amending the prayer in the plaint pertaining to 6th item in the suit property, which was allowed on 14.06.2023. According to petitioners this application is belatedly filed. There is no reason to allow this application as it is filed after commencement of the trial. Hence, challenging the order dated 14.06.2023, the present civil revision petition is filed.

3. Heard the learned counsel for the petitioners and perused the materials available on record.



CRP No.5037 of 2023

WEB COPY

4. The facts reveal that the petitioners are defendants and respondent is the plaintiff in OS No.286 of 2006 on the file of the learned Additional District Munsif, Perambalur. It is not disputed that the petitioners have earlier filed an application in IA No.590 of 2018 to receive the additional pleadings which was dismissed on 07.06.2023. Again the respondent/plaintiff has filed IA N.o.1 of 2019 for amending the plaint schedule and also amending the prayer.

5. The suit being a partition suit, amending the survey number of the suit schedule property as well as amending the suit claim is an permissible one for proper adjudication of the dispute between the parties. All the procedures are meant only to reach the ends of justice. Therefore, in the partition suit, amending the prayer and survey number are to be allowed to arrive at finality of the dispute between the parties. Therefore, the trial court has rightly allowed the amendment petition. In find no infirmity in the impugned order and there are no merits in the revision.



CRP No.5037 of 2023

WEB COPY

6. In fine, the civil revision petition is dismissed. The trial court is directed to dispose the suit as expeditiously as possible. There will be no order as to costs. CMP No.29312 of 2023 is closed.

08.01.2024

Index: Yes/No
Internet: Yes/No
mrn

To

1. The Additional District Munsif, Perambalur



WEB COPY



CRP No.5037 of 2023

V.SIVAGNANAM, J.,

mrn

CRP No.5037 of 2023

08.01.2024

5 of 5