



C.R.P.No.9 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Civil Revision Petition No.9 of 2024
and
Civil Miscellaneous Petition No.33 of 2024

Rajamanickam

... Petitioner

Vs

1. Chinnu @ Rajendran
2. Thangavel
3. Ganesan
4. Kandasamy
5. Chinnathayee
6. Mani

... Respondents

Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India to set-aside the fair and decretal order dated 12.09.2023 passed in I.A.No.6 of 2022 in O.S.No.166 of 2017 on the file of the District Munsif Court, Sankari and allow the above CRP.

For Petitioner : Mr R. Nalliyappan



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ORDER

Challenging the order passed by the learned District Munsif, Sankari in I.A.No.6 of 2022 in O.S.No.166 of 2017, the present Civil Revision Petition has been filed.

2. The fact of the case is that the petitioner is the plaintiff and the respondents are defendants in O.S.No.166 of 2017 on the file of the District Munsif, Sankari. The suit was filed for partition and separate possession for his 3/36th share in the suit properties as well as declaration and injunction. Pending trial, the 6th defendant in the suit had filed a petition in I.A.No.6 of 2022 to receive additional written statement on the ground that some of the properties have not been included in the suit properties and the Trial Court, by an order dated 12.09.2023 allowed the same on condition that they shall pay cost of Rs.1000/- on or before 19.09.2023, failing which, the petition will be automotically dismissed.

3. The learned counsel for the petitioner contended that the properties



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mentioned in the additional written statement are not family properties and therefore, additional written statement is unwarranted and the Trial Court failed to consider the same and allowed the petition. He further contended that now the cost was deposited in the Court. Hence, it is under challenged .

4. I have considered the matters in the light of the submissions made by the learned counsel for the petitioner and perused the materials available on records carefully.

5. On perusal of the material, it is noticed that the plaintiff has not added some of the properties situate at Vaikundam Village and Olakkachinnanoor village and fails to state about various sale deeds, partition deeds and the settlement deeds amongst the parties. Further, the plaintiff has not added the legal heirs of the deceased daughters namely, Vedakkal, Uthammal, Periamma and Anandayee of the deceased Periannan as parties to the suit. Since the necessary parties and some of the properties has not been included, the Trial Court rightly allowed the petition to receive the additional written statement on payment of cost. Under these circumstances, I find no



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infirmity in the impugned order and there is no reason to interfere with the same. I find no merit in this revision.

7. Accordingly, the Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

18.01.2024

Index: yes/no
Internet:yes/no
mrp

To

District Munsif,
District Munsif Court, Sankari.



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V. SIVAGNANAM, J.

mrp

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