



C.RP(MD)No.216 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

C.R.P(MD)No.216 of 2022

and

C.M.P(MD)No.979 of 2022

Periyaiah(Died)

1.Parvathi

2.Lakshmanan

3.Rasi

4.Vijaya

5.Alagappan

..Petitioners/Petitioners2-6/
Plaintiffs 2-6

Vs.

Manimaran(Died)

Sikappi(Died)

1.Alagu

2.Kannaththal

3.Malika

4.Kannammal

..Respondents/Respondents
3-6/Defendants 3-6

Civil Revision Petition is filed under Article 227 of the
Constitution of India, to set aside the fair and decreetal order dated



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23.03.2021 in I.A.No.256 of 2019 in O.S.No.111 of 2006 passed by the Principal Sub-Court, Pudukkottai.

For Petitioner	:Mr.R.Paranjothi, for M/s.KBS Law Office
For R3	:Mr.D.Senthil
For R1 & R2	:No appearance
For R4	:Given up

ORDER

The Civil Revision Petition is directed against the order dated 23.03.2021 made in I.A.No.256 of 2019 in O.S.No.111 of 2006, passed by the learned Principal Sub-Court, Pudukkottai.

2.The suit is filed for permanent injunction restraining the defendants from interfering with the plaintiffs' possession and enjoyment of the property.

3.The case of the plaintiffs in the amended plaint is that the property originally belonged to one Koothan by a sale deed, dated 19.04.1915. The said Koothan alienated the suit property in favour of one Muthukaruppan Chettiar. In the year 1984, the plaintiffs purchased the property from the legal heirs of the said



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Muthukaruppan Chettiar. Earlier the amended plaint has already been filed. While so when PW1's cross is over, now the amendment application is filed for the fourth time in the very same suit.

4.The crux of the amendment, which is now sought to be made by the plaintiffs is that after the alienation by the said Koothan Chettiar in favour of Muthukaruppan Chettiar, the said Muthukaruppan Chettiar did not enjoy the property as if it is his own. But however, amalgamated the property into common pool and enjoyed the same along with his brothers and thereafter, by way of the family partition, again the properties came to his legal heirs and thereafter, the plaintiffs purchased the property from the legal heirs. It is only those details the plaintiffs want to furnish by way of amendment.

5.Apart from the fact that the amendment is belated, a perusal of the written statement, the case of the defendants is that the suit property originally belonged to one Koothan and the defendants denied that the said Koothan had alienated the property



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to Muthukaruppan Chettiar. Therefore, the lis between the parties regarding the title of vendor of the plaintiff itself and the amendment, which is now sought to be introduced as to the manner in which, the said vendor enjoyed the property and thereafter, his legal heirs got the property does not have bearing on the lis.

6.In view thereof, the same is not directly relevant in the lis in the present case and since the amendment is sought for fourth time, that too belatedly, the trial Court has rightly disallowed the same. It will always be open for the plaintiffs to elaborate as to how his vendors got title in the evidence.

7.With the above observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

19.07.2024

NCC:Yes/No



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To
The Principal Sub-Court,
Pudukkottai.



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D.BHARATHA CHAKRAVARTHY, J.

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