



C.R.P(MD)No.228 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.12.2024**

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.228 of 2023

and

C.M.P(MD)No.1080 of 2023

Soosai Manickam

... Petitioner

Vs.

1.Jesuraj

2.Thomai

3.Alangaram

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the impugned fair and decreetal order, dated 26.10.2022 made in I.A.No.1 of 2019 in O.S.No.57 of 2017 on the file of the learned Additional District Judge, Paramakudi set aside the same and allow this Civil Revision Petition and pass such further or other orders as this Court.

For Petitioner : Mr.N.Tamilmani

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For R-1 & R-3 : Mr.S.Ramesh

For R-2 : Mr.S.Srinivasa Raghavan

ORDER

The present Civil Revision Petition is preferred against the order passed in I.A.No.1 of 2019 in O.S.No.57 of 2017 on the file of the Additional District Court, Paramakudi.

2. The petitioner as plaintiff filed the above suit for partition. Pending suit, the revision petitioner made an application in I.A.No.1 of 2019 for amending the plaint for including certain properties left out in the schedule of the suit.

3. According to the revision petitioner that certain properties belonged to the family. Therefore, the same has to be included in the suit schedule for having a fair and complete adjudication. However, the said



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application was resisted on the side of the respondents / defendants stating that the above properties are the self acquired property of the defendants and therefore, it is not necessary to include the above said properties in the suit. The Trial Court dismissed the said application. Assailing the same, the present revision is preferred.

4. Heard the learned Counsel for the petitioner and the learned Counsels for the respondents and perused the materials available on record.

5. Whether the properties proposed to be included in the suit schedule are the self acquired property of the defendants or not has to be considered only at the time of trial. Therefore, the Trial Court ought to have allowed the said application to avoid multiplicity of proceedings and to have a fair adjudication. Accordingly, the order passed by the Trial Court is set aside. The Trial Court is directed to permit the petitioner to include the proposed properties in the suit schedule and dispose the suit in accordance with law on its own merits.



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6. With the above direction, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The Additional District Judge,
Paramakudi.



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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
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