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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM

THE HONOURABLE MR.JUSTICE **N.SENTHILKUMAR**

C.R.P.(MD)(PD)No.791 of 2020

and

C.M.P.(MD)No.5349 of 2020

A.Mohammed Abdul Kadhir

... Petitioners

-VS.-

- 1.A.Ahamed Saliq
- 2.A.Muhammed Abdul Kapoor
- 3.A.Amathu Rahima
- 4.A.Muhammed Kasim
- 5.A.Muhammed Nuhman
- 6.M.Nainar Jalva
- 7.Thaha Syed Jalvathi
- 8.Mahamuthu
- 9.Muhammed Sayeedul Jalvathi
- 10.Muhammed Sayeethu Kalvathi
- 11.Maskootha
- 12.Nainar Jalva
- 13.As Ahi Jalva

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the impugned fair and executable order made in I.A.No.101 of 2017, dated 20.11.2019 on the file of the Principal District Judge, Theni.



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For Petitioner :Mr.V.S.Shathurthi Raja
for Mr.S.Chandrasekaran
For R1 and R2 :Mr.M.Karthikeya Venkitachalapathy

ORDER

The Civil Revision Petition has been filed challenging the order passed in I.A.No.101 of 2017, dated 20.11.2019 by the learned Principal District Judge, Theni.

2.The first and second respondents, as plaintiffs, have filed the suit in O.S.No.9 of 2016 before the Principal District Court, Theni, for partition. The Revision Petitioner is the fourth defendant in the suit. The defendants 1 and 2 are the son and daughter and the defendants 5 to 12 are predeceased son and daughter. During the course of trial, an amendment application was filed by the plaintiffs before the trial Court for amending the pleadings in the suit with regard to the memorandum of understanding, dated 20.09.1999, which was registered as Doc.No.294/1999. The said application was allowed by the trial Court against which, the fourth defendant in the suit has filed the present Civil Revision Petition.



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3.The learned Counsel appearing for the petitioner submitted that the Court below had not considered the objections raised by the petitioner herein and has erroneously passed the impugned order, which needs interference of this Court.

4.The learned Counsel for the respondents 1 and 2 contended that another amendment application was filed to transpose the second plaintiff as defendant. For want of instructions, the learned Counsel appearing for the respondents 1 and 2 contended that he is withdrawing his appearance insofar as the second respondent is concerned. The learned Counsel submitted that as it is a suit for partition, these details of documents are necessary and part of the adjudication, as it is an memorandum of understanding between the plaintiffs and some of the defendants.

6.Considering the submission made by the learned Counsels on either side and on perusal of the material records, this Court is of the view that there is not even an iota of material to dispute the order passed by the trial Court by the Revision petitioner. In view of the same, this Court feels that there is no



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necessity to interfere with the order passed by the trial Court. Accordingly, the order passed in I.A.No.101 of 2017, dated 20.11.2019 by the learned Principal District Judge, Theni, is confirmed. As the suit is of the year 2016, the trial Court is directed to conclude the trial within a period of one year from the date of receipt of a copy of this order.

7.In result, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.12.2024

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

cmr

To

The Principal District Judge, Theni.



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N.SENTHILKUMAR, J.

cmr

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