



C.R.P(MD)No.1482 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)Nos.1482 and 1488 of 2022
and C.M.P(MD)Nos.6198 and 6241 of 2022

In CRP(MD)No.1482 of 2022:

Seenivasan ...Petitioner/1st Respondent/1st Defendant

Vs.

1.Subbulakshmi ...1st Respondent/Petitioner/Plaintiff
2.Kanagaraj
3.Kesavan ..Respondents 2 and 3/Respondents 2 and 3/
Defendants 2 and 3

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 27.04.2022 passed in I.A.No.1 of 2020 in O.S.NO.12 of 2019 on the file of the Additional District and Sessions Judge, Srivilliputhur.

In CRP(MD)No.1488 of 2022:

Kanagaraj ...Petitioner/2nd Respondent/2nd Defendant

Vs.

1.Subbulakshmi ...1st Respondent/Petitioner/Plaintiff
2.Seenivasan ..2nd Respondent/1st Respondent/1st Defendant



C.R.P(MD)No.1482 of 2022

3.Kesavan ..3 rd Respondent/3rd Respondent/3rd Defendant

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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 27.04.2022 passed in I.A.No.1 of 2020 in O.S.NO.12 of 2019 on the file of the Additional District and Sessions Judge, Srivilliputhur.

For Petitioner : Mr.M.P.Senthil
For R1 : Mr.M.Jothi Basu
For R2 & R3 : No appearance

COMMON ORDER

These revisions are preferred by the defendants 1 and 2 to set aside the order dated 27.04.2022 passed in I.A.No.1 of 2020 in O.S.NO.12 of 2019 on the file of the Additional District and Sessions Judge, Srivilliputhur.

2.The suit in O.S.No.12 of 2019 was filed by the 1st respondent/plaintiff seeking the relief of partition and separate possession of her $\frac{1}{4}$ share. The defendants appeared and filed the



C.R.P(MD)No.1482 of 2022

WEB COPY

written statement. Thereafter, I.A.No.1 of 2020 was taken by the plaintiff to amend the plaint by including a Well in S.No.124/5. Objection was raised by defendants to the effect that there is no proper reasoning in the affidavit as to why the above said well should be included in the plaint. But however, the trial court has allowed the petition stating that amendment cannot be claimed as a matter of right, normally, amendments are allowed in the pleadings to avoid multiplicity of litigations. Against which, this revision is filed by the defendants 1 and 2.

3. As rightly contended by the petitioners/defendants 1 and 2, no proper reason is mentioned for amendment. But the amendment is allowed to be carried out in the plaint by stating some reasons. There is no issue with regard to the character of the property to be included in the plaint. Hence, this Court is not inclined to interfere with the order of the trial court. The revision petitioners/defendants 1 and 2 are at liberty to file additional written statement in response to the amendment of plaint.



C.R.P(MD)No.1482 of 2022

WEB COPY

4. The learned counsel for the 1st respondent/plaintiff submitted that the 1st respondent is aged 74 years and sought a direction for speedy disposal.

5. The trial court is directed to follow the circular issued by this Court in ROC.NO.3793A/2010/B5/Statistics, wherein a direction is issued by this Court to list the cases relating to the Senior Citizens on priority basis and to dispose those cases as expeditiously as possible on war footing.

6. With the above direction, these revisions are disposed of .
No costs. Consequently, connected miscellaneous petitions are closed.

14.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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C.R.P(MD)No.1482 of 2022

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To

1. The Additional District and Sessions Judge, Srivilliputhur.

2. The Section Officer,

V.R.Section, Madurai Bench of Madras High Court,

Madurai.



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C.R.P(MD)No.1482 of 2022

G. ILANGO VAN, J.

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