



WEB COPY

C.RP(MD)No1531 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.07.2024

CORAM

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

C.R.P(MD)No.1531 of 2024

and

C.M.P(MD)No.9018 of 2024

Sithi Nayeema

... Petitioner/Petitioner/
Plaintiff

Vs.

1.Abitha

2.Abrar

3.Ajin

...Respondents/Respondents/
Defendants

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 28.03.2024 made in I.A.No.22 of 2023 in O.S.No.65 of 2015 by the learned Subordinate Judge, Pattukottai.

For Petitioner

:Mr.K.Vadivelu

ORDER

This Civil Revision Petition arises out of the order, dated 28.03.2024 made in IA.No.22 of 2023 in O.S.No.65 of 2015 by the learned Subordinate Judge, Pattukottai.



2.The said interlocutory application is filed to amend the plaint. The amendment, which is prayed for, is to correct the averments in the plaint that the first defendant is not the wife of one Mohammad Farooq and the plaintiff is entitled for the entire property to the suit. In this regard, it can be seen that the petitioner had earlier filed I.A.No.612 of 2016, in which, he wanted to amend the very same plaint by stating that the first respondent is not the lawfully wedded wife of one Mahmoud Farooq and the petitioner has mistakenly described the first respondent in the suit as the wife of Muhammad Farooq and since there was no dissolution of the earlier marriage, such a statement is wrong and requested for the amendment to alter the relief as one of declaration. The said amendment was dismissed by the trial Court, by order dated 06.12.2021 and the same has become final. Thereafter, once again, the petitioner filed I.A.No.439 of 2019 in O.S.No.65 of 2015 in the very same suit, to amend the plaint by praying that the first defendant's husband name should be amended as Mohammed Fazal Hack, instead of Mohammad Farooq. The same was also dismissed by the trial Court. By a separate order made today, the said order was also confirmed by this Court.

3.After that, the very same prayer is made in the different form by way of the third application. As such, this application is nothing, but an



abuse of process of law and the trial Court has rightly dismissed the same.

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

12.07.2024

NCC:Yes/No

Ns

To

1.The Subordinate Judge,
Pattukottai.



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D.BHARATHA CHAKRAVARTHY, J.

Ns

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