



CRP(MD).No.2888 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.11.2024

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.2888 of 2024 and
CMP(MD).No.16515 of 2024

J.Bharath Nivas

: Petitioner

Vs.

1.S.Umarani

Alamelu Ammal (died)

2.S.Seethalakshmi

3.V.Lakshmi

4.V.Kokila Jeyapal

5.Allirani

6.S.Pushbam

7.S.Kala

8.S.Selvaraj

9.V.Rajagopal

10.The State of Tamil Nadu,

rep. through its District Collector,

Collectorate Complex,

Sathamangalam,

Madurai.

11.The State of Tamil Nadu,

rep. through its Thasildar,

Thasildar Office,

Vadipatti Town,

Madurai.

: Respondents



CRP(MD).No.2888 of 2024

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order, dated 01.08.2024 made in I.A.No.1 of 2023 in O.S.No.354 of 2008 on the file of the District Munsif Court, Vadipatti.

For Petitioner : Mr. D. Senthil

For respondents 10 & 11 : Mr.B.Saravanan

Additional Government Pleader

ORDER

The present revision is preferred against the order order, dated 01.08.2024 made in I.A.No.1 of 2023 in O.S.No.354 of 2008 on the file of the District Munsif Court, Vadipatti.

2. The said suit in O.S.No.354 of 2008 was filed by the first respondent / plaintiff against one Alamelu Ammal and the respondent Nos. 2 to 4 for bare injunction. Pending suit, the first defendant viz., Alamelu Ammal died and thereafter, the respondents 5 to 8 were implead as the legal heirs of the said Alamelu Ammal as per the order passed in



CRP(MD).No.2888 of 2024

I.A.No.104 of 2009 and thereafter, the first respondent / plaintiff filed an application in I.A.No.47 of 2018 to implead the respondents 9 to 12 in the said suit and also filed another application in I.A.No.229 of 2018 for amending the prayer for the relief of declaration. Though the applications were dismissed by the trial Court, the same was allowed by this Court in CRP(MD).Nos.257 and 258 of 2022 vide order, dated 20.04.2023. As per the order in the above Civil Revision Petitions, first respondent / plaintiff amended the plaint and thereafter, he filed an another application in I.A.No.1 of 2023 for impleading the parties as per the order passed in CRP(MD).No.257 of 2023 and also filed applications in I.A.Nos.2 and 3 of 2023 for declaring the petitioner as major and for discharging the guardian of the revision petitioner / defendant. The said Interlocutory Application in I.A.No.1 of 2023 filed for amendment by the 1st respondent / plaintiff introduces new facts in the plaint. However, the said application was allowed without giving any opportunity to the revision petitioner / defendant by observing that the said application is only for consequential amendment. Hence, the revision petitioner is constrained to file the present Civil Revision Petition.

3. Heard the learned counsel for the petitioner and the learned



CRP(MD).No.2888 of 2024

Additional Government Pleader appearing for the respondents 10 and 11.

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4. On perusal of the records it is seen that the said amendment petition is nothing but only the additional facts which has been already stated in the plaint and the trial Court has rightly pointed out that the said amendment is only addition to the facts stated in the said plaint and therefore, to have a fair adjudication the said petition was allowed by the trial Court. Therefore, there is no perversity or infirmity in the order passed by the trial Court.

5. Accordingly, this Civil Revision Petition is dismissed. However, the petitioner is given liberty to raise all his contentions before the trial Court by filing additional written statement with respect to the facts now pleaded in the amendment petition. No costs. Consequently, the connected Miscellaneous Petition is closed.

19.11.2024

Index : Yes / No
Internet : Yes/ No
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CRP(MD).No.2888 of 2024

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CRP(MD).No.2888 of 2024

K. GOVINDARAJAN THILAKAVADI, J.,

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