



C.R.P.No.2276 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :12.06.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

CRP No.2276 of 2024

Chandrababu

.... Petitioner

VS

1.Kuppuraman
2.Janarthanan
3.Lakshmipathy
4.Venugopal
5.Balasubramaniyam

... Respondents

Civil Revision Petition filed under Section 227 of Civil Procedure Code against the fair and decretal order dated 25.01.2024 passed in I.A.No.840 of 2023 in I.A.No.215 of 2023 in O.S.No.81 of 2018 on the file of III Additional District Judge, Puducherry.

For Petitioner

: Mr.Usha Ramman

For Respondents

: Mr.P.Muthukumarasamy

For R.1 to R.4

R.5 – No appearance

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 to 4.



C.R.P.No.2276 of 2024

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2. The revision petition is at the instance of the plaintiff, who has partly suffered an adverse order in the interlocutory application, seeking amendment of the plaint, by including two items of the property.

3. It is the specific contention of the revision petitioner that the defendants themselves, in the written statement, have stated that these items of properties have not been included in the suit schedule of property and ought to have been included.

4. According to the learned counsel for the petitioner, an application has been taken out. However, the trial Court gave a finding that one of the properties is to be included, whereas, the other properties are absolutely belonging to the defendants, which cannot be included .

5. At the stage of testing the amendment application, the trial Court ought not to have rendered any finding touching the merits of the amendment sought for. It is always open to the contesting defendants to file additional written statement and put forth all their claims and defences, including their



C.R.P.No.2276 of 2024

specific contention that one of the items of the property belongs to them and it is not available for partition.

6. Considering the fact that the suit is pending before the trial Court, it is just proper and necessary that all issues are trashed out before the trial court itself, instead of forcing either of the parties to seek amendment at the later stages of the suit including pending appeals.

7. In view of the above, without going into the merits of the claims of the revision petitioner, I am inclined to set aside the order passed by the trial Court and permit the amendment as prayed for, making it clear that it is open to the defendants to file further additional written statement on the amendment being carried out, and take all defences open.

8. Accordingly, the Civil Revision Petition is allowed. No costs.

9. Having noticed that the suit for partition is of the year 2007, the learned III Additional District Judge, Puducherry is directed to complete the



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C.R.P.No.2276 of 2024

P.B.BALAJI.,J.

sr

pleadings including amendment and filing of additional written statement within a period of four weeks from the date of receipt of a copy of this order and frame additional issues and therefore, ensure that the suit is finally disposed of on or before 31.01.2026.

12.06.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-Speaking Order

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To

The III Additional District Judge, Puducherry.

CRP No.2276 of 2024