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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

A No. 3267 of 2021

IN

CS NO. 183 OF 2017

G.Revathi

D/o.S.Sathurappan,

W/o.Gopalakrishnan, Plot No.806, and

808, Ram Nagar South 3rd Main Road,

Madipakkam Village, Tambaram Taluk,

Kanchipuram District. Chennai 600

091.

Applicant(s)

Vs

S.Sathurappan and 16 others

Respondent(s)

Prayer: This application has been filed seeking to amend the plaint as enclosed in the separate sheet annexed in C.S.No.183 of 2017.

For Applicant(s): Mr.Sankarasubbu

For Respondent(s): Mr.R.Bharanidharan for R1
Mr.N.Damodaran for R2 & R3
Mr.G.R.M.Palaniappan
for D5 and D6

**ORDER**

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This application has been filed by the plaintiff seeking to amend the plaint as indicated in the annexure to the Judges Summons also to introduce further reliefs sought in the plaint.

2.It is the contention of the applicant / plaintiff who is the sister of the 1st defendant and also of the 2nd defendant that their father Viyabaram S.Sathurappan was possessed of several properties and had dealt with them. The 1st defendant / brother of the applicant is also called S.Sathurappan. It is contended that the 1st defendant had taken advantage of this similarity in name.

3.Let me not delve on that particular statement made in the affidavit filed in support of the Judges Summons in this application, since that is an issue which will have to be determined only during the course of trial. The fact alone is stated that the father is called Viyabaram S.Sathurappan and the 1st defendant / his son is also called S.Sathurappan.



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4. A counter had been filed by the 16th defendant / wife of the 1st defendant who had been subsequently impleaded that the property which had been dealt with and which are now sought to be introduced are the self acquired properties of the 1st defendant, acquired much prior to the institution of the suit and do not form part of the family nucleus and are not available for partition. It is contended therefore that the 1st defendant had every right title and interest to deal with the properties and had dealt with them in the manner he thought was prudent namely, to settle them in favour of the 16th defendant.

5. These are all issues which could be taken up during the course of trial. In a suit for partition, a suit would fail if properties which could be subjected to partition are not included in the suit and therefore, very often out of abundant caution properties which could be partitionable but may not actually be partitionable are also included in the schedule to the plaint. It is during the course of trial when an exercise of sifting is done and properties which are actually available for partition are determined, properties which are not available for partition could be deleted. Therefore, this application stands



allowed. However, the plaintiff will have to pay further Court fees as determined, owing to the inclusion of the additional reliefs sought in this application. Two weeks time is granted for the plaintiff to carry out necessary amendment in the plaint.

09-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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C.V.KARTHIKEYAN J.

smv

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