



A.No.4342 of 2022
in C.S.No.540 of 2017

A.A.NAKKIRAN, J.

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This application has been filed to permit the applicant/plaintiff to amend the plaint by including the sums of Rs.1,65,97,796.30/- and Rs.56,74,656.54/- as item No.12 of Schedule to the plaint as shown in the schedule hereunder.

2. Heard both sides.

3. Learned counsel for the applicant submitted that after filing of the suit only, the applicant came to know that a sum of Rs.1,65,97,796.30 and Rs.56,74,656.54/- belongs to her father and are lying in Syndicate Bank, Perambur Branch in S.B.A/c.No.60012010098331 and 60012010118521 respectively. As per the direction of this court, the respondents have deposited the said amounts to the credit of the suit and the said bank was also impleaded in the application. The Bank produced a statement of accounts of the father of the applicant which reveals that excepting a sum of Rs.7,98,677.45 and Rs.93,002.46/-, other amounts have been credited to the separate accounts of the respondents 1 and 2, after the death of her father. It is also observed that the amounts lying in the bank forms part of the Estate of Dr.A.Jayapaul, has to be decided only after trial. He further submitted that the above said sums lying in the bank forms part of the Estate of her father and sought to include for

<https://www.mhcopartitions.com> partition. Hence, he prays to allow this application.



4. Learned counsel for the first respondent submitted that the applicant is entitled to a very small portion of the monthly rent. He further submitted that whether the money lying in their personal account are that of her husband can be proved only after completion of trial and if they succeed in the suit, they are entitled to a share in it. The balance of convenience is very much in her favour. She is running her family with the rental income and grave prejudice would be caused to her, if this application is allowed. Hence, he prays to dismiss the application.

5. Perusal of records would show that the trial not yet commenced. In A.No.4542 of 2018 dated 20.06.2019, this court has observed that the first defendant be and is hereby directed to deposit a sum of Rs.9,00,000/- in a separate fixed deposit in her name with all the three children shown as nominees with a provision for automatic renewal by 15.07.2019. Whereas the learned counsel for the applicant submitted that a sum of Rs.1,65,97,796.30 and Rs.56,74,656.54/- belongs to the father of the applicant. But the applicant has failed to produce relevant documents to prove the same. Hence, this court opines that it would be appropriate to direct the applicant to file a fresh application with all the relevant documents.

6. Hence, this application is disposed of with the above direction.



7. For filing written statement by the defendants 1 to 3, post the main suit on 05.02.2025.

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29.01.2025



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gv

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