



C.R.P.(MD)No.1679 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1679 of 2025

Wilson Veda Sundara Dhas

...Petitioner

Vs.

1.G.Celestibai
2.Alson Jeya Raj

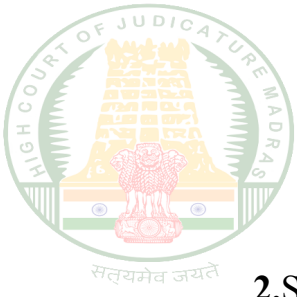
...Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, praying to set aside the order passed in I.A.No.4 of 2024 in O.S.No.337 of 2018, on the file of the learned Subordinate Judge, Eraniel dated 18.02.2025.

For Petitioner : Mr.T.Wins

ORDER

This petition has been filed seeking to set aside the order passed in I.A.No.4 of 2024 in O.S.No.337 of 2018, on the file of the learned Subordinate Judge, Eraniel dated 18.02.2025.



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2.Since no adverse orders are passed, notice to the respondents is dispensed with.

3.The petitioner is the plaintiff in O.S.No.337 of 2018 and he filed a partition suit as against the defendant brothers. The case of the petitioner is that the suit schedule property originally belonged to one David Nelson, who is none other than his brother. That David Nelson had no separate family and he was living with his mother. The said David Nelson was allotted a portion of the property through a final decree passed in a partition suit in O.S.No.85 of 1996 dated 24.04.1998. During his lifetime, the said David Nelson has sold some property for his livelihood. Thereafter, he died on 26.09.2008, leaving behind the petitioner and the defendants as his legal heirs. Thereafter, the petitioner filed a suit for partition in O.S.No.337 of 2018. Pending suit, the petitioner filed I.A.No.4 of 2024, seeking amendment in the plaint to delete some of the items mentioned in the suit schedule property and also to include some other items of properties in the suit schedule property. The said application was dismissed by the Court below. Challenging the same, the present Civil Revision Petition has been filed.



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4. During enquiry, it was brought to the notice of the Court below that the suit schedule property was a part of the schedule property in O.S.No.85 of 1996, which was allotted and divided as per E.P. proceedings in E.P.No.23 of 1998. Since the very same properties which were already included as a schedule of the property in the earlier suit cannot be included in the other suit filed by other two class – II legal heirs, the trial Court rejected the said application. The trial Court has rightly appreciated the facts and rightly dismissed the said petition, which need not be interfered with.

5. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs.

19.06.2025

Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The Subordinate Judge,
Eraniel.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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