



C.R.P.No.4657 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.4657 of 2025
and C.M.P.No.23565 of 2025

1.Jennings Geetha
2.P.Madhumathi

... Petitioners

vs.

Lakshmi (died)
Karthiga Selvi

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and final order passed in I.A.No.6 of 2024 in O.S.No.227 of 2019 on the file of the Subordinate Court, Dharapuram, dated 16.07.2025 and allow the Civil Revision Petition.

For Petitioners : Mr.A.Sundara Vadhanan

For Respondent :M/s.V.Elangovan

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court allowing the amendment application.



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2. One deceased Lakshmi filed a suit for partition against the petitioner claiming herself as wife of petitioner's deceased brother by name Jeyakanthan. Pending suit, the said Lakshmi died and the second respondent herein filed an application seeking her impleadment by claiming that she was adopted daughter of said Lakshmi. The said application was allowed by the trial Court. The respondent herein has been impleaded as a second plaintiff in the suit. Subsequently, the respondent filed an instant amendment application seeking inclusion of the prayer that she is the legal representatives of deceased Lakshmi. The said amendment application was allowed by the trial Court. Aggrieved by the same, the petitioners have come before this Court.

3. The learned counsel appearing for the petitioners by taking this Court to the Adoption Deed relied on by the respondent submits that the above said Lakshmi said to have adopted the respondent as per the Hindu law which is not the personal law of said Jeyakanthan. Therefore, according to him, the very adoption is invalid.



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4. By virtue of impugned order, the amendment application filed by the respondent seeking inclusion of prayer for declaration of her legal status has been allowed. As a necessary consequence, the petitioners are entitled to file a written statement raising all the defence including the validity of the adoption deed. If any such written statement is filed by the petitioners, based on that, the trial Court shall frame necessary additional issues and both the parties shall be given reasonable opportunity to adduce evidence with regard to the plea raised in the additional pleadings.

5. In view of the said option available to the petitioners, mere allowing of the amendment application will not cause any prejudice to the petitioners. In fact the same has been pointed out by the trial Court in the impugned order.

6. Therefore, I do not find any error in the impugned order. The Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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S.SOUNTHAR, J.

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To

The Subordinate Court, Dharapuram.

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