



C.R.P.No.1209 of 2023

C.R.P.No.1209 of 2023

WEB COPY

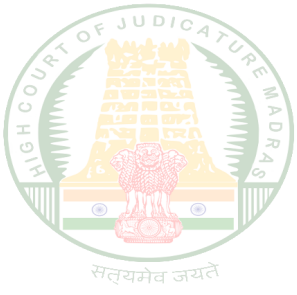
Dr.D.NAGARJUN,J

This Civil Revision Petition has been filed to set aside the fair order and final order dated 1/2/2023 made in I.A.No.3 of 2022 in O.S.No.99 of 2013 on the file of the learned Subordinate Judge, Perundurai.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the respondents have filed a suit for partition of the scheduled properties, wherein the petitioner has filed a written statement being the first defendant that the scheduled property cannot be partitioned as it is a self acquired property.

4. During the course of cross-examination of P.W.1, the petitioner/first defendant cross-examined on these aspects and subsequently, in order fill up the lacuna and in order to substantiate their contention that it is an ancestral property, the first respondent/plaintiff filed an application in I.A.No.3 of 2022 for amendment of the description of the property and the same was allowed.



WEB COPY



C.R.P.No.1209 of 2023

Dr.D.NAGARJUN,J

mvs.

5. It is submitted that the trial Court has not considered the fact that once the trial has commenced, the application for amendment should not be permitted and it is further submitted that the matter is posted for carrying out the amendment and at this stage, if stay has not granted, the trial Court may proceed with the case.

6. In view of the above, Admit. Notice to the respondents. Private notice is also permitted.

7. List on 9/6/2023.

20/4/2023

mvs.

C.R.P.No.1209 of 2023