



WEB COPY

CRP No. 4186 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP No. 4186 of 2025

AND

CMP NO. 21514 of 2025

1. G.Christal Mary,
D/o.M.George (Late),
14, Defence Enclave, Muthapudupet,
IAF Avadi, Chennai -600 055.

2. G.Christie,
D/o.M.George (Late),
14, Defence Enclave, Muthapudupet,
IAF Avadi, Chennai -600 055.

Petitioners

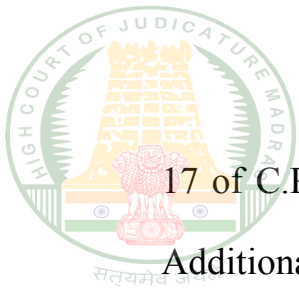
Vs

G.Derrin,
S/o.M.George (Late), 14, Defence
Enclave, Muthapudupet, IAF Avadi,
Chennai -600 055.

Respondent

PRAYER

This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned order passed by the learned II Additional District and Sessions Judge, Poonamallee, dated 05.08.2025 dismissing the petition filed in I.A.No.1 of 2025 in O.S.No.131 of 2017 under Order VI Rule



17 of C.P.C., for amendment of Plaint and consequently direct the learned II Additional District and Sessions Judge, Poonamallee to expeditiously dispose of the Original Suit within a time as may be stipulated by this Honourable Court, and thus render justice.

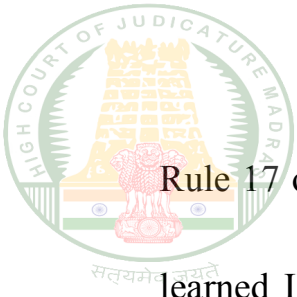
For Petitioner(s): Mr. S.Venkatesh

ORDER

This Civil Revision Petition has been filed to set aside the impugned order passed by the learned II Additional District and Sessions Judge, Poonamallee, dated 05.08.2025, dismissing the petition filed in I.A.No.1 of 2025 in O.S.No.131 of 2017 under Order VI Rule 17 of C.P.C., for amendment of Plaint and consequently direct the learned II Additional District and Sessions Judge, Poonamallee to expeditiously dispose of the Original Suit within a time frame as may be stipulated by this Court.

2. The unsuccessful plaintiffs have preferred this civil revision petition.

3. The suit in O.S.No.131 of 2017 has been filed by the plaintiffs for partition. During trial, the plaintiffs have filed an application under Order VI



Rule 17 of the C.P.C., in I.A.No.1 of 2025 in O.S.No.131 of 2017 before the

learned II Additional District and Sessions Judge, Poonamallee, to amend the

plaint. Considering the submissions made on either side, the Court below

dismissed the said application, vide impugned order dated 05.08.2025.

Aggrieved by the same, the plaintiffs have preferred this civil revision petition.

4. Learned counsel appearing for the revision petitioners submitted that the Court below has totally erred in coming to the conclusion that the petitioners/plaintiffs had knowledge about the existence of the alleged Will dated 06.08.2014 in the year 2017 without any material evidence on record., when the respondent/defendant's written statement was taken on record in the original suit only on 02.01.2020 after the respondent/defendant's application under Order IX Rule 13 C.P.C., in I.A.No.1 of 2019 was allowed.

5. It is stated in the affidavit that the amendment of the plaint to challenge the genuineness and validity of the Will dated 06.08.2014 is just and necessary to determine the real questions in controversy between the parties to the suit.



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6. Considering the submissions made by the learned counsel for the petitioners and also considering the facts and circumstances of the case, this Court is of the view that *prima facie* case has been made out. Hence, there shall be an order of interim stay till 24.09.2025. The Court below shall not proceed with the suit.

7. Notice to the respondent returnable by 24.09.2025. Private notice is also permitted.

8. List the matter on 24.09.2025.

04-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The II Additional District and Sessions Judge, Poonamallee.



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M.JOTHIRAMAN J.

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