

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Second day of February Two Thousand and
Twenty Three

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PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

CRP(MD) No.433 of 2023
and
CMP(MD) No.2085 of 2023

JAILANI (DIED)

1.ANARKALI

2 SYED RAFIATH

3 LAILATHUL BAZARIA

4 HAMSATHRANI

... Petitioners 1 to 4 /
Petitioners 2 to 5

Vs

P.N.S.S.KAJA KAMALUDDIN (DIED),

1.MUJIBA BEGAM,

2 SULAIHA BEGAM

3 SULTHAN ALLAUDIN @ SEIT

4 IQBAL

5 ANITHA PARVEEN

6 SHEIK ABDULLAH

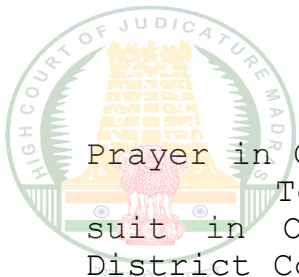
7 ABDUL SAKILA

... Respondents 1 to 7 /
Respondents 2 to 8

Prayer in CRP(MD) No.433 of 2023:

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 15-11-2022 passed in I.a.No.344 of 2022 in O.S.No.173 of 2004 on the file of the I-Additional District Court, Madurai by allowing this civil revision petition.

<https://www.mca21.in/judicial>



Prayer in CMP(MD). 2085/ 2023 :

To interim stay of all further proceedings of the original suit in O.S.No.173 of 2004 on the file of the Ist Additional District Court, pending disposal of the main civil revision petition and thus render justice.

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ORDER :

This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.MEENAKSHISUNDARAM, Advocate for the petitioner the court made the following order:-

"Notice of motion returnable by 16.03.2023. Private notice is also permitted.

2. The present revision petition has been filed by the plaintiffs in a suit for partition challenging the dismissal of an application for amendment of plaint for inclusion of compensation received in land acquisition proceedings. The trial Court has dismissed the amendment application on the ground that the acquisition proceedings have taken place in the year 1985 and the suit was filed in the year 2004, that apart, the amendment application has been filed in the year 2022.

3. The learned counsel appearing for the petitioners submits that as far as the partition suit is concerned, the properties can be included at any point of time, even during final decree proceedings. Therefore, the strict rigors of the proviso to Order 6 Rule 17 of the Code of Civil Procedure would not be applicable for inclusion of properties in a partition suit.

4. The petitioner has made out a *prima facie* case. Therefore, there shall be an order of interim stay till 16.03.2023."

sd/-
22/02/2023

/ TRUE COPY /

/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRP(MD)



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To
The I Additional District Judge,
Madurai.

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ORDER
IN
CRP(MD) No.433 of 2023
and
CMP(MD) No.2085 of 2023
Date :22/02/2023

ED/CG/SAR 3(02.03.2023) 3P 2C