

C.R.P(MD)No.433 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.433 of 2023
and C.M.P. (MD) No.2085 of 2023

Jailani (Died)

1. Anarkali
2. Syed Rafiath
3. Lailathul Bazaria
4. Amsathrani

...Petitioners

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

PRAYER: Civil Revision Petition is filed under Section 151 of Civil Procedure Code to set aside the fair and decretal 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.



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For Petitioners : Mr.V.Meenakshisundaram

For R1,R3,R4 & R6 : Mr.L.Shaji Chellan

For R2 & R5 : No appearance

ORDER

Challenging the order passed by the trial court dismissing the petition that was filed by the petitioners seeking amendment of the plaint to include the award amount received by the first defendant in L.A.O.P.No.277 of 1983 and in L.A.O.P.No. 175 of 1984, the petitioners are before this Court.

2. The facts in brief:

The suit in O.S.No.173 of 2004 was filed seeking the relief of partition and separate possession by the deceased Jailani and others. Pending suit, I.A.No.344 of 2022 was taken up by the revision petitioners seeking amendment of the plaintiff with the following averments:



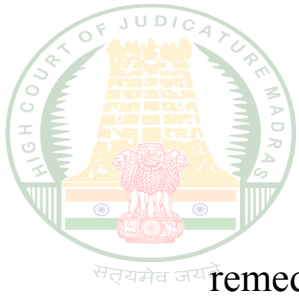
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In suit 'B' schedule property in item No.2, an extent of 1310.89 feet was acquired by the Government for construction of sewage water pumping station. An award was passed on 20.01.1989 by Special Tahsildar, (Land Acquisition) Corporation Cases, Madurai and the award was referred to the I Additional Sub Court, Madurai in L.A.O.P.No.277 of 1983. In that matter, the 1st defendant received Rs.27,912.15/-. Later it was enhanced to Rs.3,95,753/-. So the 1st defendant received a total amount of Rs.4,23,665.15/- towards compensation amount. The petitioners and the 8th respondent are entitled for their share in the compensation amount received by the 1st defendant. Hence, they filed a petition to amend the plaint.

3. That petition came to be dismissed by the trial court against which this revision has been preferred.

4. At the time of hearing, the learned counsel for the revision petitioners has fairly submitted that during the course of final hearing proceedings, they may be permitted to work out his



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remedy since the amount received by the 1st defendant can also be a matter for consideration by the trial court during the final decree proceedings.

5. Granting such liberty, this Civil Revision Petition stands disposed of. No costs. Since the original suit is of the year 2004, let final decree proceedings be disposed of within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

12.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

To

1.The I-Additional District Court,
Madurai.

2.The Section Officer,
V.R.Section, Madurai Bench of Madras High Court,
Madurai.

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G. ILANGO VAN, J.

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