



CRP No. 2671 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 2671 of 2025

AND

CMP NO. 15091 OF 2025

1. B.Kannagi

W/o. G.Balasubramaniam, 11, vidhya
nagar, Thindal Post, Erode Taluk, Erode
District-638 012

Petitioner

Vs

1. P.Girija

D/o. Late Nallasamy Gounder,
No.17,Sambasivam Street, kallukdadai
Medu, Erode Taluk, Erode-638 001

2.S Karthick

S/o. Sivam, 32, Arumugam Street,
No.4,Thirunagar Colony, Erode Taluk,
Erode District-638 003

3.P Saranya

D/o. K.parthasarathy, 30,31, Balaji
Garden, Manickampalayam, Thindal
Taluk, Erode-638 009



4.A Senthil Kumar
S/o. Annamalaisivam, 210/32,
Thirunagar Colony, Erode Taluk,
Erode-638 003

5.K K Palanisamy
S/o. Karuppana Gounder, Old
D.No.108, New D.No.180, Vinayagar
Koil Street, No.7, kasipalayam, Erode-
638 002

6.K Perumal
D.No.25, New d.No.12, Kalamegam
Street, Gobichettipalayam Taluk, Erode
District

7.K Subramaniam
D.No.30, Thiumal nagar,
Gobichettipalayam Taluk, Erode
District

Respondent(s)

PRAYER Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dated 11-06-2025 passed in I.A.No.13/2024 in O.S.No.536/2016 on the file of the II Additional Sub Court Erode and Allow the CRP.

For Petitioner: Mr.S. Kaithamalai Kumaran

For Respondents: No appearance



ORDER

Heard Mr.S.Kaithamalai Kumaran, learned counsel for the revision petitioner/plaintiff.

2. The Respondents, despite service of notice in the above Civil Revision petition have neither chosen to appear in person nor through counsel.

3. The suit has been filed seeking reliefs of partition, declaration and consequential injunction as well. The pleadings have been completed in the suit and PW.1 was in the witness box. At that stage, the plaintiff has thought it fit to seek additional reliefs to declare the deed in favour of defendants 2 to 4 as null and void and not binding on the plaintiff. The said application is again dismissed on the grounds that firstly though the plaintiff having omitted to seek relief, is estopped from seeking amendment at a later stage, that too after the commencement of trial and secondly, by allowing the said amendment, the Court would lose its jurisdiction on account of the pecuniary jurisdiction of the Sub Court.

4. The learned counsel for the revision petitioner/plaintiff, Mr.S.Kaithamalai Kumaran, would state that the fact that the suit has to go



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before the District Court, cannot be a justifiable ground to disallow an amendment and further, he would also state that in so far as the averments made in the plaint, it would only further strengthen the case for amendment, as no new cause of action or change of character of suit occurs, in view of the additional relief sought for and only on the basis of the averments already available in the plaint, the new reliefs have been sought for.

5. I have gone through the affidavit filed in support of the application seeking amendment and I have carefully considered the submissions advanced by the learned counsel for the revision petitioner, Mr. S.Kaithamalai Kumaran. What is sought for by way of amendment in the plaint is only inclusion of reliefs of declaration to set aside sale deeds in favour of defendants 2, 3 & 4, executed by the first defendant. Therefore, I see no real prejudice caused to the parties, especially the defendants, if these reliefs are also sought for because ultimately in the event of the plaintiff succeeding in the said suit, it would prevent him from enjoying the fruits of the decree for not seeking appropriate reliefs of declaration of the sale deeds in favour of the defendants 2,3 & 4.

6. The parties are the same and the property that is the subject matter of



the suit is also the same. Therefore, the trial Court ought to have adopted a liberal approach in permitting the amendment, thereby enabling the plaintiff to

seek complete relief. Even before the trial court, I find that excepting the 2nd respondent, other respondents have not even objected to the amendments sought for.

7. In the light of the above, I am inclined to allow the revision in setting aside the order of dismissal passed in I.A.No.13/2024. Accordingly, this civil revision petition is **allowed**. The order in I.A.No13/2024 is set aside and the trial Court shall permit the petitioner/plaintiff to carry out the amendment and thereafter shall return the plaint to be presented before the District Court, Erode, which is the competent Court of jurisdiction to decide the issue in view of the amended valuation in the plaint in O.S.No.536/2016. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

19-08-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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P.B.BALAJI J.

jrs

To

1. The Judge, District Court, Erode,
2. The judge, I Additional Sub Court Erode.

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