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CRP No. 346 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 346 of 2026 and

CMP No.1964 of 2026

R.Valarmathi
W/O. Ramamoorthi,
Flat No.A2, First Floor,
No.33/18, Mangadusamy Street,
Chennai - 600034.

..Petitioner(s)

Vs

1. P.Vijaya, W/O. Paramasivam,
140, 2nd Link Road,
University Nagar,
Palavakkam, Chennai - 600041.
2. Bank of India,
Rep. by its Manager,
Cathedral Road Branch,
Chennai.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to call for records in order dated 29.10.2025 passed in I.A.No.6 of 2025 in O.S.No.2938 of 2019 on the file of the IV th Assistant City Civil Court and quash the same with costs.

For Petitioner(s): Ms.L.Meenakshi
for M/s.M.Dinesh



ORDER

This Civil Revision Petition is filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioner, seeking amendment of plaint.

2. The petitioner herein/plaintiff filed a suit in O.S.No.2938 of 2019 for bare injunction against the respondents/defendants. It is the case of the petitioner that she was in possession and enjoyment of the suit property as lessee under the first defendant, after paying Rs.22,00,000/- as refundable lease amount. The first defendant attempted to evict the petitioner/plaintiff illegally and therefore, she was constrained to file the said suit for bare injunction.

3. In the suit, initially, the first defendant was set exparte and thereafter, on her petition, exparte order was set aside. Now, the petitioner/plaintiff filed the instant application seeking inclusion of a new prayer for recovery of money against the first defendant, on the ground that during pendency of the suit, the petitioner incurred various expenses in repairing the premises in the suit property. The said amendment application was dismissed by the Trial Court. Aggrieved by the same, the petitioner has come before this court.

4. It is seen from the affidavit filed in support of the amendment application that the petitioner wants to include the prayer for recovery of money against the first defendant. According to the petitioner, the suit was filed in the



year 2019 and during the period from 2019 to 2025, she incurred expenses in making repairs and maintaining the suit property and hence, the first defendant was liable to repay the said amount. The cause of action pleaded by the petitioner for recovery of amount is entirely different from the cause of action pleaded by her for maintaining the prayer for permanent injunction. The petitioner, as per the averments in paragraph 5 of the affidavit filed in support of the amendment application stated that expenses were incurred by her during the period from 2019 to 2025, pending suit. Therefore, the cause of action for the new prayer arose, subsequent to the suit and the same is entirely different. If the present amendment is allowed, it will certainly change the cause of action and character of the suit. The trial court appreciated the said position and dismissed the amendment application. I do not find any error in the impugned order passed by the Trial Court.

5. The learned counsel for the petitioner relied on the decision of the Hon'ble Supreme Court in ***Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited and another reported in CDJ 2022 SC 935*** in support of her contentions. In paragraph No.70(II) and (IV) of the above said judgment, the Apex Court clearly observed that if the amendment change the cause of action and character of the suit, the same shall not be allowed. Therefore, the judgment relied on by the learned counsel for the petitioner will not help her case in any way.



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6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

29-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The IV Assistant Judge,

City Civil Court, Chennai.



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S.SOUNTHAR, J.

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