



C.R.P. Nos. 1179, 1180 & 1520 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 17.07.2026

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P. Nos. 1179, 1180 & 1520 of 2024

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C.M.P. Nos. 6082 & 6087 of 2024

Vanjiappan

..Petitioner in all the
CRPs

Vs.

Sathiyabama

..Respondent in all the
CRPs

Prayer in C.R.P. No. 1179 of 2024: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dated 21.09.2023 passed in IA. No. 242 of 2019 in O.S. No. 213 of 2017 by the learned District Munsif, Dharapuram, Tiruppur District.

Prayer in C.R.P. No. 1180 of 2024: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dated 13.06.2023 passed in IA. No. 245 A of 2019 in O.S. No. 425 of



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2017 by the learned District Munsif, Dharapuram, Tiruppur District.

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Prayer in C.R.P. No. 1520 of 2024: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dated 13.06.2023 passed in IA. No. 245 of 2019 in I.A. No. 58 of 2018 in O.S. No. 425 of 2017 by the learned District Munsif, Dharapuram, Tiruppur District.

For Petitioner in
all CRPs :: Mr.P. Navaneethakrishnan

For Respondent in
all CRPs :: Mr.R.N. Amarnath

COMMON ORDER

C.R.P. No. 1179 of 2024 has been filed challenging the impugned order dated 21.09.2023 passed in IA. No. 242 of 2019 in O.S. No. 213 of 2017 by the learned District Munsif, Dharapuram, Tiruppur District.

2. C.R.P. No. 1180 of 2024 has been filed challenging the impugned order dated 13.06.2023 passed in IA. No. 245 A of 2019 in O.S. No. 425 of 2017 by the learned District Munsif, Dharapuram, Tiruppur District.



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3. C.R.P. No. 1520 of 2024 has been filed challenging the impugned order dated 13.06.2023 passed in IA. No. 245 of 2019 in I.A. No. 58 of 2018 in in O.S. No. 425 of 2017 by the learned District Munsif, Dharapuram, Tiruppur District.

4. By the aforesaid orders, the applications filed under Order VI Rule 17 CPC by the petitioner, who is the plaintiff in both the suits in O.S. Nos.213 & 425 of 2017 seeking amendment of the plaints in the said suits (by way of I.A. Nos.242 & 245A of 2019 respectively) as well as amendment of the petition in I.A. No. 58 of 2018 in O.S. No. 425 of 2017 (by way of I.A. No. 245 of 2019) have been dismissed.

5. Subsequent to the filing of the suits in O.S. Nos.213 and 425 of 2017, the petitioner/plaintiff had purchased the adjoining property under a sale deed dated 27.11.2018. In view of the same, the petitioner filed I.A. No. 242 of 2019 seeking amendment of the plaint in O.S. No. 213 of 2017, I.A. No. 245 A of 2019 seeking amendment of the plaint in O.S. No. 425 of 2017 and I.A. No. 245 of 2019 seeking amendment of the petition in I.A. No. 58 of 2018, which was filed for re-issuance of Advocate

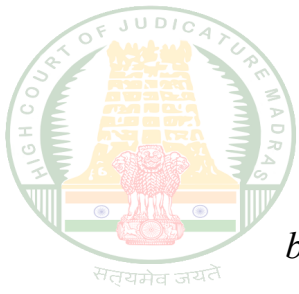


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Commissioner's warrant to measure the suit properties along with the assistance of a surveyor in O.S. No. 425 of 2017. The Trial Court, by the orders under challenge, dismissed the aforesaid I.As on the ground that the petitioner/plaintiff has not mentioned any cause of action for the proposed amendments in the affidavit filed in support of the respective I.A.s.

6. This Court does not find any infirmity in the reasons given by the Trial Court for dismissing the petitioner's applications for the following reasons:

- (i) *The respective suits were filed by the petitioner/plaintiff, at the first instance, in respect of a schedule of property disclosed in the plaint schedule in the respective suits;*
- (ii) *The cause of action for the respective suits arose only in respect of the plaint schedule property concerned in the respective suits;*
- (iii) *The purchase of the adjoining property by the petitioner/plaintiff under the sale deed dated 27.11.2018 is a subsequent development for which the cause of action was not pleaded in the original plaint in the respective suits by the petitioner/plaintiff;*
- (iv) *If the respondent/defendant is causing hindrance to the petitioner/plaintiff in respect of the adjoining property purchased*



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by him under the sale deed dated 27.11.2018, then it is a separate cause of action;

(v) Further, in the affidavit filed in support of the respective I.A.s namely, I.A. Nos. 242, 245 A and 245 of 2019, forming the subject matter of these civil revision petitions, the cause of action for filing the said applications has not been pleaded; and

(vi) The Trial Court has rightly dismissed the applications by holding that no cause of action has been pleaded by the petitioner against the respondent/defendant in the aforesaid I.As with regard to the property purchased by the petitioner during the pendency of the suits under the sale deed dated 27.11.2018.

7. As far as the decisions relied upon by the learned counsel for the petitioner are concerned, they have no bearing to the facts of the instant case as those decisions deal with inadvertent mistakes committed by the petitioner and as to how the Court will have to decide an application seeking for amendment under Order VI Rule 17 CPC. Though an application filed under Order VI Rule 17 CPC will have to be dealt with liberally, when no cause of action has been pleaded by the petitioner against the respondent/defendant in all the three applications filed under Order VI



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ABDUL QUDDHOSE,J.

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Rule 17 CPC, the question of whether this Court will have to treat those applications liberally or not does not arise in these civil revision petitions.

8. For the foregoing reasons, this Court finds no merit in the civil revision petitions and they are accordingly dismissed. However, since the property purchased by the petitioner under the sale deed dated 27.11.2018 is subsequent to the filing of the suits, the petitioner/plaintiff is granted liberty to file a fresh suit against the respondent/defendant by pleading proper cause of action. Connected miscellaneous petitions are closed.

17.07.2026

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To

The District Munsif Court,
Dharapuram, Tiruppur District.

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1520 of 2024

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