



WEB COPY

CRP No. 752 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 752 of 2026

and

CMP.No.3955 of 2026

Murugan

..Petitioner(s)

Vs

Subbaiya Mudaliyar (Deceased),
S.Jayalakshmi (Deceased),

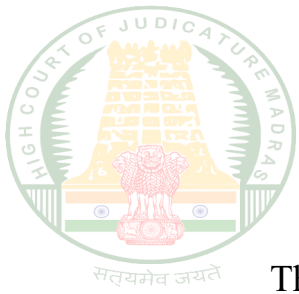
1. Ravisankar
- 2.S.Ganesh
3. S.Senthil
4. Mallika
5. Maheshwaran
- 6.Kuzhali alias Poonkuzhali

..Respondent(s)

Civil Revision Petition filed under Article 226 of Constitution of India to set aside the fair and decreetal orders passed in I.A.No.11 of 2025 in O.S.No.73 of 2022 dated 14.10.2025 on the file of the Court of District Judge, Mayiladuthurai and dismiss the said I.A. by allowing this Civil Revision Petition and thus render justice.

For Petitioner(s): Mr.A.Muthukumar

For Respondent(s): M/S.K.Bijaisundar
For RR1 to R3
Mr.G.Balasubramanian
For R4 to R6



ORDER

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This Civil Revision Petition has been filed challenging the order dated 14.10.2025, passed by the District Court, Mayiladuthurai, in I.A.No.11 of 2025, in O.S.No.73 of 2022.

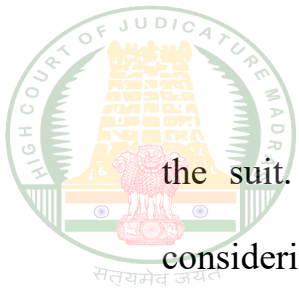
2. In the aforesaid order, the application filed by the respondents/plaintiffs seeking to amend the suit prayers which includes the relief of declaration has been allowed. The petitioner is the 4th defendant in the suit and he claims to be the bonafide purchaser of the suit schedule property. He was impleaded as a party to the suit by a separate order passed by the Trial Court in another interlocutory application.

3. The contention of the petitioner before this Court is that there was no necessity for the Trial Court to amend the suit prayers in a simple suit for recovery of money filed by the respondents/plaintiffs against the defendants. According to the petitioner as there is no cause of action, there is no privity of contract between the petitioner and the respondents/plaintiffs since the petitioner claims that he is a bonafide purchaser of the suit schedule property even prior to the institution of the suit. This Court has perused and examined the impugned order. In the impugned order, the contentions of the petitioner that he was not a necessary party and there was no necessity for the amendment



has not been discussed. The application filed by the respondents/plaintiffs seeking for amendment was allowed only after it was held that the declaration sought for by the respondents/plaintiffs is not barred by limitation as claimed by the petitioner/4th defendant. However, the learned counsel for the petitioner during the course of his submissions drew the attention of this Court to the affidavit filed in support of I.A.No.11 of 2025 and would submit that various other grounds were also raised by the petitioner for objecting to the amendment application filed by the respondents/plaintiffs as stated supra. As seen from the impugned order, it is noted by this Court that those objections have not been considered by the Court below while allowing the amendment application filed by the respondents/plaintiffs. The plea of limitation alone was considered and rejected by the Trial Court while allowing the amendment application. In view of the interim stay granted by this Court, the progress in the suit is stalled, which will not be in the interest of the parties to the dispute which includes the petitioner herein.

4. The very same objections have been raised through this Civil Revision Petition filed by the petitioner/4th defendant can also be raised in the main suit and the petitioner/4th defendant can also cross examine the respondents/plaintiffs as regards the necessity for the petitioner/4th defendant to be impleaded as a party defendant in the suit and for the inclusion of the petitioner/4th defendant's property in the dispute, which is the subject matter of



the suit. If this Court intervenes in the impugned order at this stage, considering its merits, it would only further delay the disposal of the suit, which would not be in the interest of any of the parties to the suit.

5. Therefore, without going into the merits of the impugned order, in the interest of justice and for early disposal of the suit, this Civil Revision Petition is disposed of by this Court, by issuing the following directions:

a) The Petitioner/4th defendant is directed to file the additional written statement pursuant to the impugned order, within a period of **two weeks** from the date of receipt of a copy of this order.

b) If required, the respondents/plaintiffs are permitted to file a reply statement to the additional written statement filed by the petitioner/4th defendant within a period of **two weeks** thereafter.

c) The Trial Court is directed to frame additional issues based on the additional written statement and the reply statement, if any filed by the respondents/plaintiffs, within a period of **four weeks** thereafter.

d) If the trial has already commenced, prior to the filing of this Civil Revision Petition, the evidence on the side of the respondents/plaintiffs shall be conducted afresh and the earlier oral evidence let in by the respondents/plaintiffs shall stand eschewed.

e) The petitioner/4th defendant is granted liberty to cross examine the respondents/plaintiffs with regard to the grounds raised by him through the



Civil Revision Petition.

f) After giving opportunity for all the parties to examine their respective witnesses and granting opportunity to cross examine the said witnesses, the Trial Court after hearing the arguments of the respective learned counsels is directed to dispose of the suit within a period of *six months* from the date of framing of additional issues.

With the aforesaid directions, this Civil Revision Petition is disposed of. Interim stay granted earlier by this Court in this Civil Revision Petition stands vacated. No costs. Consequently, connected Miscellaneous Petition is closed.

10-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
arr

To

The District Judge,
Mayiladuthurai.



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ABDUL QUDDHOSE, J.

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