



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.279 of 2023

and

C.M.P.No.2314 of 2023

C.S.Sivakumar
S/o.Samiappa Gounder

..Petitioner

Vs

1. Malathi
W/o.Palanisamy
2. Thulasimani
W/o.Thangavel
3. K.Subramani
S/o.Karuppusamy Gounder

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dated 08.12.2022 passed in I.A.No.2 of 2022 in O.S.No.98 of 2012 on the file of the District Munsif, Perundurai.

For Petitioner : Ms.D.Jeevitha
For Respondents : Mr.M.Karthik [R1 & R2]

ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order dated 08.12.2022 passed in I.A.No.2 of 2022 in O.S.No.98 of 2012 by the District Munsif, Perundurai, wherein the application filed by respondents 1 and 2/plaintiffs under Order VI Rule 17 CPC to amend the plaint came to be allowed by the Court below.



2. Heard learned counsel for petitioner and learned counsel for respondents 1 and 2 and carefully perused the materials available on record.

This Court also went through the impugned order.

3. The plaintiffs initially filed the suit seeking the relief of cancellation of documents and paid the Court fee under Section 25(d) of the Tamil Nadu Court Fees and Suit Valuation Act, 1955. Subsequently, audit objection was raised and a check slip was issued by directing the plaintiffs to pay the Court fee under Section 40 of the Tamil Nadu Court Fees Act. This cheque slip was subsequently withdrawn.

4. The plaintiffs filed an application seeking amendment by amending the relief to one of declaration to declare the sale deed as null and void and invalid since the Court fee was paid by the plaintiffs under Section 25(d) of the Court Fees Act. This amendment was allowed by the Court below.

5. In the considered view of this Court, the effect of seeking cancellation of a document and to declare a document as null and void, is almost the same. Considering the Court fees paid by the plaintiffs, amendment was sought for to amend the relief to one of declaration to declare the sale deed as null and void. This amendment in no way changes the character of the suit and it does not cause any prejudice to the right of the defendants since whatever was the relief,



the defence that is going to be taken by the defendants will be the same. Hence, this Court does not find any perversity in the order passed by the Court below warranting interference of this Court.

Accordingly, this civil revision petition is dismissed. There shall be a direction to the learned District Munsif, Perundurai, to dispose of the suit in O.S.No.98 of 2012 within a period of three (3) months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

18-08-2026

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

To
The District Munsif,
Perundurai.



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N.ANAND VENKATESH, J.

gm

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