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CRP No. 4909 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**CRP No. 4909 of 2025
and CMP No.24819 of 2025**

1. Deivasigamani (Deceased) 1.
Ramachandran
S/o. Veeraragava Gounder, Chollavaram
Village, Cheyyar Taluk, Tiruvannamalai Dt.
2. Ellammal
W/o. Balakrishnan, Chollavaram Village,
Cheyyar Taluk, Tiruvannamalai Dt.
3. Kumar
S/o. Balakrishnan, Chollavaram Village,
Cheyyar Taluk, Tiruvannamalai Dt.
4. Purushothaman
S/o. Balakrishnan, Chollavaram Village,
Cheyyar Taluk, Tiruvannamalai Dt.
5. Nadesan
S/o. Balakrishnan, Chollavaram Village,
Cheyyar Taluk, Tiruvannamalai Dt.
6. Thulasi
D/o. Balakrishnan, Chollavaram Village,
Cheyyar Taluk, Tiruvannamalai Dt.
7. Valliammal
D/o. Balakrishnan, Chollavaram Village,



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Cheyyar Taluk, Tiruvannamalai Dt.

8. Chellammal

8 to 14 are Legal Heris of Deceased
Deivasigamani, W/o. Deivasigamani,
Chollavaram Village, Cheyyar Taluk,
Tiruvannamalai Dt.

9. Gowry

W/o. Ellappan, D/o. Deivasigamani,
Chollavaram Village, Cheyyar Taluk,
Tiruvannamalai Dt.

10. Thilagavathi

W/o. Thiruvengadam, D/o. Deivasigamani,
Chollavaram Village, Cheyyar Taluk,
Tiruvannamalai Dt.

11. Rajeshwari @ Charumathi

W/o. Jothi, D/o. Deivasigamani,
Chollavaram Village, Cheyyar Taluk,
Tiruvannamalai Dt.

12. Pushpa

W/o. Arumugam, D/o. Deivasigamani,
Chollavaram Village, Cheyyar Taluk,
Tiruvannamalai Dt.

13. Vasugi

W/o. Vijayaraghavan, D/o. Deivasigamani,
Chollavaram Village, Cheyyar Taluk,
Tiruvannamalai Dt.

14. Jegan

S/o. Deivasigamani, Chollavaram Village,
Cheyyar Taluk, Tiruvannamalai Dt.

Cause List accepted vide court order dated
02.06.2025 made in CMP No.9488 of 2025



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in CRP SR No.54840 of 2025)

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Petitioner(s)

Vs

1. Visalakshi Ammal
W/o. Rajagopalan, No.3rd Unit Patram, 3rd
Ward, Madhavaram, Chennai 51.

2.Karpagam
W/o. Karthikeyan, No.3rd Unit Patram, 3rd
Ward, Madhavaram, Chennai 51.

Respondent(s)

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the fair and decreetal order passed in I.A.No.363 of 2017 in O.S.No.89 of 2009 on the file of Subordinate Court, Cheayyar, Thiruvannamalai District.

For Petitioner(s): M/s. M.Raja

For Respondent(s): No appearance

ORDER

As the respondents' counsel did not represent the matter on the earlier occasion, the matter was directed to be listed today under the caption "for Orders". Even today, there is no representation on the side of the respondents. I have heard the learned counsel for the petitioners.

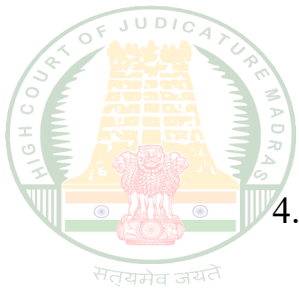
2. Learned counsel for the petitioners taking me through the judgment passed



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in O.S.No.89 of 2009 on 11.01.2017 with specific reference to paragraph No.9 of the judgment would contend that some of the suit properties have been exempted from the preliminary decree passed in the suit. However, the decree drafted includes all the 31 items which is evidenced from the fact that the decree is passed in respect of all these 31 items, granting 1/24 share to the plaintiffs.. The decree can be drafted only in consonance with the judgment and the findings of the trial Court. Unfortunately, despite specific exemption of certain items of properties viz., 1,13,14,15,24,25,26,27,28,29 and 31 and also 22 and 23 for which reasons have been assigned by the trial Court, unfortunately, the decree includes all these items as well. The trial Court, without noticing that the error in drafting the decree was revisable by the Court itself, has dismissed the application seeking amendment of the decree and directing an appeal to be filed against the preliminary decree.

3. I do not see any necessity for the petitioners to approach the appellate Court since the trial Court has given categorical findings while holding that item No 1,13,14,15, 24,25,26,27,28,29 and 31 and also 22 and 23 are not available for partition and the plaintiffs are not entitled to any share in the said property.



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4. Section 152 of the Civil Procedure Code reads as follows:-

152. Amendment of judgments, decrees or orders— Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties.

5. The court on being put on notice about any error, arithmetical or otherwise in the judgment or decree which is an accidental slip or omission, is entitled to correct the same even on its own motion, or on the application of any other parties.

6. The trial court failed to see that it was only an inadvertent error by inclusion of the items that have been exempted in the judgment. Therefore, the order of the trial Court directing the petitioners to prefer an appeal is totally unsustainable and unwarranted. The power available under Section 152 of Civil Procedure Code ought to have been exercised by the trial Court itself.

7. For the foregoing reasons the order passed by the trial Court in I.A.No.363 of 2017 in O.S.No.89 of 2009 is set aside and consequently, the order in I.A.No.363 of 2017, seeking correction of the amendment of the decree is allowed. The trial Court



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sr

shall suitably amend the decree and issue fresh decree copy to the parties.

No costs. Consequently, connected miscellaneous petition is closed.

09.07.2026

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Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The Subordinate Court, Cheayyar, Thiruvannamalai District.

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