



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3674 of 2026 AND CMP NO. 15930 OF 2026

M. Chandrasekar

Petitioner(s)

Vs

1. T. Kothandapani

2.M.T. Yogeswaran

3.T. Gomateeswaran

4.R. Vasu

5.V. Tamilselvi

6.The Asst.Engineer
Corporation of Chennai, Zone V, Basin
Bridge Road, Royapuram, Chennai 013.

7.The Commissioner
Corporation of Chennai, Ripon
Building, Chennai 3.

Respondent(s)

PRAYER

To set aside the Fair and Decretal order dated 30.03.2026 passed in IA No.8 of 2026 in OS No.2740 of 2015 on the file of the VIII Asst. City Civil Court Chennai.



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CRP No. 3674 of 2026



For Petitioner(s): Mr.N.R.Anantha Rama Krishna

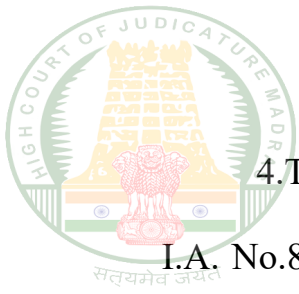
For Respondent(s): Mr.Annakodi For R1 to R5
undertakes to file vakalat

ORDER

This Civil Revision Petition has been filed, challenging the impugned order dated 03.03.2026 passed by the VIII Assistant Judge, City Civil Court, Chennai, in I.A. No.8 of 2026 in O.S. No.2740 of 2015.

2.Under the aforesaid order, the application filed by respondents 1 to 5/plaintiffs seeking to amend the suit prayer by including the relief of mandatory injunction has been allowed.

3.The petitioner is the first defendant in the suit O.S. No.2740 of 2015 on the file of the VIII Assistant Judge, City Civil Court, Chennai. The suit was originally filed by respondents 1 to 5/plaintiffs for declaration and permanent injunction against the petitioner/first defendant and the other defendants, who are formal parties. According to respondents 1 to 5/plaintiffs, subsequent to the filing of the suit, un-authorisedly, the petitioner/first defendant put up a construction in the suit B-schedule property. The respondents 1 to 5/plaintiffs seek to demolish the said construction and therefore, they have filed an application seeking for amendment of the suit prayer to include the relief of mandatory injunction.

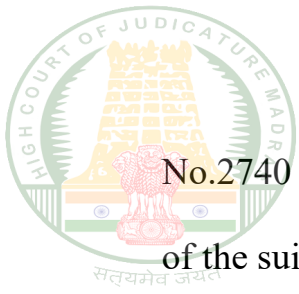


4. The trial Court, under the impugned order dated 30.03.2026 passed in I.A. No.8 of 2026 has allowed the said application, which is challenged by the petitioner/first defendant through this Civil Revision Petition.

5. Learned counsel for the petitioner would submit that based on an Advocate Commissioner's report that was submitted before the Court in the year 2015, respondents 1 to 5/plaintiffs have filed the amendment application only in the year 2026 through I.A. No.8 of 2026 in O.S. No.2740 of 2015. Therefore, he would submit that on account of the inordinate delay, the application ought to have been dismissed. He would also submit that no reasons have been given by respondents 1 to 5/plaintiffs in I.A. No.8 of 2026 for the inordinate delay in filing the application seeking for amendment of the suit prayer.

6. Mr. Annakodi, learned counsel is appearing through video conference. He undertakes to file vakalat on behalf of respondents 1 to 5/plaintiffs. He would reiterate the contents of the impugned order and would submit that rightly in the interest of justice, the application filed by respondents 1 to 5/plaintiffs seeking for amendment has been allowed by the Trial Court.

7. This Court need not go into the merits and demerits of the impugned order. Admittedly, the suit is of the year 2015. The Trial Court under the impugned order dated 30.03.2026 has allowed I.A. No.8 of 2026 in O.S.

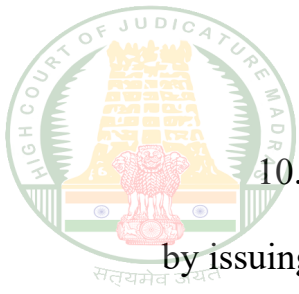


No.2740 of 2015 filed by respondents 1 to 5/plaintiffs seeking for amendment of the suit prayer to include the relief of mandatory injunction.

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8.The petitioner/first defendant contends before this court that there has been an inordinate delay on the part of respondents 1 to 5/plaintiffs to file I.A. No.8 of 2026 and that no reasons have been given by respondents 1 to 5/plaintiffs for the inordinate delay in filing I.A. No.8 of 2026. The petitioner also claims that the application filed by respondents 1 to 5/plaintiffs in I.A. No.8 of 2026 is barred by limitation since the cause of action for filing such an application arose in the year 2015 itself, whereas the application was filed only in the year 2026. Since the Trial Court has allowed the application filed in a suit, which is of the year 2015, this Court if interferes with the impugned order at this stage, it will only delay the final disposal of the suit, which is not in the interest of justice.

9.This Court is not expressing any opinion about the merits of the impugned order. The petitioner/first defendant is also protected as he can raise the very same defence while filing the additional written statement before the Trial Court as well as during trial and in the argument stage in the main suit. Therefore, in the interest of justice without expressing any opinion with regard to the merits of the impugned order, this court is not interfering with the impugned order.



10. Accordingly, this Civil Revision Petition is disposed of by this Court by issuing the following directions:

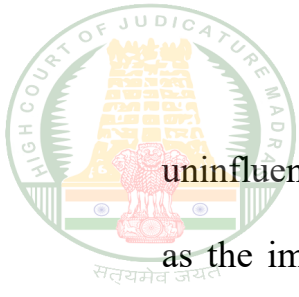
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a) The petitioner/first defendant is permitted to raise all objections which have been raised through this Civil Revision Petition with regard to the allowing of I.A. No.8 of 2026 by the order of the Trial Court dated 30.03.2026 passed in O.S. No.2740 of 2015 through his additional written statement to be filed in O.S. No.2740 of 2015;

b) The Trial Court i.e. the VIII Assistant Judge, City Civil Court, Chennai in O.S. No.2740 of 2015 shall frame additional issues with regard to the additional defence raised by the petitioner/first defendant pursuant to the allowing of amendment application filed by respondents 1 to 5/plaintiffs in I.A. No.8 of 2026;

c) While deciding the main suit, the Trial Court i.e. the VIII Assistant Judge, City Civil Court, Chennai shall give due consideration to the objections raised by the petitioner/first defendant for permitting respondents 1 to 5/plaintiffs to carry out the amendment of the suit relief by including the relief of mandatory injunction;

d) While deciding the main suit, the Trial Court i.e. the VIII Assistant Judge, City Civil Court, Chennai shall decide the suit O.S. No.2740 of 2015



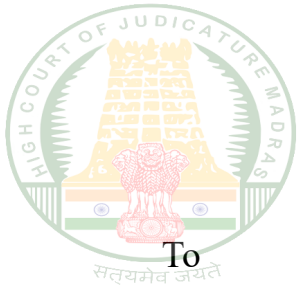
uninfluenced by any of the observation made by this court in this order as well as the impugned order dated 30.03.2026 passed in I.A. No.8 of 2026 in O.S.

No.2740 of 2015.

Consequently, connected CMP is closed. No costs.

08-07-2026

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To

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1. The VIII Asst. City Civil Court Chennai.
2. The Section Officer, VR Section, High Court, Madras.



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ABDUL QUDDHOSE J.

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