



CRP.No.4656 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.4656 of 2026
& CMP.No.20456 of 2026

Mrs.M.Chitra
D/o. Late. B.Ganesan,
W/o. N.Muthusamy,
Old No.116/3, New No.48/3,
Avandhan Papaiyar Road,
Choolai, Chennai-600112.

...Petitioner

Vs

1. G.Ramesh Kumar
s/o. Late. B.Ganesan
Old No.18, New No.28,
Venkatachalam Street,
Vepery Post, Purasalwakkam,
Chennai - 600 007.
2. P.Malarvizhi,
D/o. Late B.Ganesan,
W/o. S.Parthiban,
No.55/133,
Sachidanandam Street,
Koyapet, Chennai-600012.
3. B.Kanjana,
D/o. Late.B.Ganesan,
W/o. Baskaran,
No.33/1, Pallavan Street,



CRP.No.4656 of 2026

Anbazhagan Nagar,
Perambur, Chennai-600011.

4. S.Uma Maheswari
D/o. Late.B.Ganesan,
W/o. Samraj,
New No.567, Old No.219,
Konnur High Road,
PE.Koil West Mada Street,
Ayanavaram,
Chennai - 600 023.
5. Jeyanthi,
D/o. Late Baskaran,
No.58/1B-8E, Othavadi Street,
Muthukkada, Ranipet-632401.
6. Aanandhakumar,
S/o. Late. Baskaran,
No.33/1, Pallavan Lane,
Anbazhagan Nagar,
Perambur, Chennai-600011.

...Respondents

PETITION under Article 227 of The Constitution of India
against the fair and decretal order dated 10.6.2026 passed in I.A.
No.3 of 2026 in O.S.No.1875 of 2023 on the file of the Subordinate
Court, Ambattur.

For Petitioner:

Mr.Venkataswamy Babu



CRP.No.4656 of 2026

ORDER

WEB COPY

This civil revision petition has been filed under Article 227 of The Constitution of India challenging the fair and decretal order dated 10.6.2026 passed in I.A.No.3 of 2026 in O.S.No.1875 of 2023 on the file of the Subordinate Court, Ambattur (for short, the Court below) wherein the application filed by the petitioner/plaintiff for amendment of the plaint under Order VI Rule 17 of the Civil Procedure Code (CPC) came to be dismissed.

2. Heard the learned counsel for the petitioner.

3. This Court has carefully considered the submissions of the learned counsel for the petitioner and perused the materials available on record and more particularly the impugned order.

4. The petitioner, who is the plaintiff, filed the said suit in the year 2012 seeking for the relief of partition and for allotment of 1/5th share in the suit property. The said suit was subsequently transferred to the file of the Subordinate Court, Ambattur and renumbered as O.S.No.1875 of 2023.



CRP.No.4656 of 2026

WEB COPY

5. In the said suit, I.A.No.3 of 2026 came to be filed by the petitioner/plaintiff under Order VI Rule 17 of the CPC seeking to amend the plaint for an additional relief to declare that the release deed dated 14.5.2006 registered as doc.No.6902 of 2006 on the file of the Sub-Registrar, Ambattur was null and void and that it would not bind the petitioner/plaintiff. The said application came to be dismissed by the Court below vide the impugned order. Aggrieved by that, the above civil revision petition is filed before this Court.

6. The main ground that was urged by the learned counsel for the petitioner is that the petitioner had already taken a stand that the release deed dated 14.5.2006 was not binding on her, that an issue has been framed by the Court below in this regard, that the amendment that was sought for was only a consequence of such a stand taken by the petitioner wherein she has been seeking to declare the release deed dated 14.5.2006 as null and void and not binding on her, that the delay, by itself, cannot be a ground to reject the application filed seeking amendment of the pleadings and that the issue of limitation that has been raised by the Court below is a mixed question of fact and law, which requires a full-fledged



CRP.No.4656 of 2026

WEB COPY

trial to decide that issue.

7. In order to substantiate his submissions, the learned counsel for the petitioner has relied upon

(i) the judgment of the Hon'ble Apex Court in ***LIC of India Vs. Sanjeev Builders Pvt.Ltd. [Civil Appeal No.5909 of 2022 dated 01.9.2022]***, in which, he specifically relied upon paragraph 70; and

(ii) the decision of a learned Single Judge of this Court in ***M.Mohan Vs. G.Janarthanan [C.R.P.No.1858 of 2024 dated 12.9.2025]***, in which, he also specifically relied upon paragraph 9.

8. In the case in hand, the said suit has been filed in the year 2012. The issues were framed in the year 2013 and one of the issues that was framed by the Court below was as to whether the release deed dated 14.5.2006 was binding on the petitioner/plaintiff. The suit is at the stage of examination of the witnesses on the side



CRP.No.4656 of 2026

WEB COPY

of the defendants. At that stage, I.A.No.3 of 2026 came to be filed by the petitioner/plaintiff under Order VI Rule 17 of the CPC seeking for amendment of the plaint, by which, the petitioner wanted to incorporate the relief of declaration to declare the release deed dated 14.5.2006 as null and void and not binding on her.

9. The Court below rendered a finding that the petitioner was aware about the release deed dated 14.5.2006 even at the time of instituting the said suit, that in spite of framing of an issue by the Court below specifically in this regard even in 2013, the petitioner waited till the evidence of the witnesses on the side of the defendants was complete and that in the year 2026, the petitioner moved the said application seeking for amendment of the plaint. Hence, the Court below put against the petitioner both the ground of delay as well as the ground that the relief that has been sought for was barred by limitation.

10. This Court must bear in mind the amendment that was brought forth in the year 2002 wherein Order VI Rule 17 of the CPC was amended and a Proviso was added to Rule 17 to the effect that



CRP.No.4656 of 2026

WEB COPY

no application for amendment should be allowed after the trial is commenced unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of the trial. The language that has been used in the Proviso to Rule 17 of Order VI is categorical. Thus, as on today, when it comes to seeking for amendment after commencement of the trial, the Court has to satisfy itself as to the requirement under the Proviso to Rule 17 of Order VI. The Court has to come to a conclusion that such amendment was not able to be made in spite of due diligence of the parties. Thus, allowing an amendment post trial is only an exception and not a rule.

11. The learned counsel for the petitioner, by placing reliance on the said judgment of the Hon'ble Apex Court in ***Sanjeev Builders Pvt.Ltd.,*** and the decision of a learned Single Judge of this Court dated **12.9.2025** in ***C.R.P.No.1858 of 2024,*** submitted that the delay, by itself, will not be a ground to disallow amendment.

12. When these decision are to be taken into consideration, the Court must be aware as to how much is the delay that has been



WEB COPY

caused by the party seeking for amendment and after how many years, such an amendment application is filed and also the stage, at which, the amendment application is moved before the Court below. Thus, the Court has to independently apply its mind on the facts of each case to see as to how much of delay has occasioned in a case and as to whether the petitioner/plaintiff was able to establish that the petitioner had exercised due diligence in seeking for the amendment of the pleadings.

13. Thus, when considering the issue of delay, the Court has to necessarily look at the due diligence that is exercised by the petitioner/plaintiff. In the absence of the same, a Court cannot mechanically condone any amount of delay. It must be borne in mind that such delays would not only prejudice the rights of the parties, but it also clogs the entire system and as a result, civil suits are not able to be disposed of by the Courts for decades together. Therefore, the Court must bear in mind that the delay not only affects the disposal of a particular suit, but it also has an impact on the entire judicial system. Therefore, if the delay is going to be condoned mechanically in all cases, no suits can be disposed of



CRP.No.4656 of 2026

WEB COPY

expeditiously and this will reflect upon the system where the Courts are already burdened with huge pendency of cases.

14. In the light of the above discussions, this Court finds that the petitioner/plaintiff was aware of the fact that there was a release deed even in the year 2012 and that an issue has already been framed in the year 2013. Since the petitioner/plaintiff did not exercise due diligence, the amendment application came to be filed in the year 2026. Therefore, the Court below is right in rejecting the said application and it is well in line with the Proviso to Rule 17 of Order VI of the CPC. Apart from the above, the petitioner/plaintiff is now seeking to declare the release deed dated 14.5.2006 as null and void and not binding on her. If the relief of amendment as sought for in the said application, on the face of it, is barred by limitation, such an amendment should not be allowed by a Court.

15. In the case in hand, no one has disputed the fact that the release deed is of the year 2006 and that it was well within the knowledge of the petitioner/plaintiff when the said suit was instituted. If the relief has not been claimed within the limitation



CRP.No.4656 of 2026

period, the petitioner/plaintiff will not be allowed to take a stand in the year 2026 that the issue of limitation is a mixed question of fact and law. This principle will not apply where there is no dispute on facts.

16. Useful reference can be made to the judgments of the Hon'ble Apex Court in ***T.N.Alloy Foundry Co.Ltd. Vs. T.N. Electricity Board & Ors. [reported in 2004 (3) SCC 392]***; and in ***L.C.Hanumanthappa (since dead) rep.by his LRs Vs. H.B.Shivakumar [reported in 2016 (1) SCC 332]***.

17. For the foregoing reasons, this Court does not find any perversity in the impugned order passed by the Court below warranting the interference of this Court.

18. Accordingly, the above civil revision petition is dismissed. Consequently, the connected CMP is also dismissed.

21-08-2026

To
The Subordinate Court, Ambattur.

Page 10 of 12



WEB COPY

RS



CRP.No.4656 of 2026



WEB COPY



CRP.No.4656 of 2026

N.ANAND VENKATESH,J

RS

**CRP.No.4656 of 2026&
CMP.No.20456 of 2026**

21-08-2026

Page12 of 12