



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 4585 of 2026 and CMP No. 20135 of 2026

1. B.Charumathy

2. R.Jayalakshmi

Petitioner(s)

Vs

1. S.Jayalakshmi

2.S.Mahalakshmi

3.S.Vijayalakshmi

Respondent(s)

PRAYER

To set aside the Fair Order and Decretal Order Passed in IA No. 10 of 2026 in OS No. 9143 of 2019 dated 19.06.2026 on the file of the IV Additional City Civil Court at Chennai.

For Petitioner(s): Mr.G.Kasivelu

ORDER

This Civil Revision Petition has been filed, challenging the impugned order dated 19.06.2026 passed by the IV Additional City Civil Court, Chennai in I.A. No.10 of 2026 in O.S. No.9143 of 2019.



2.The petitioners are the defendants in the suit and the respondents are the plaintiffs in the said suit.

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3.Under the aforesaid order, an application filed by the respondents/plaintiffs seeking to amend the plaint under Order VI Rule 17 of CPC as prayed for in I.A. No.10 of 2026 has been allowed. Aggrieved by the same, the petitioners, who are the defendants in the suit have filed this petition.

4.Learned counsel for the petitioners would submit that the amendment application filed by the respondents/plaintiffs is not maintainable. According to him, when the respondents/plaintiff are not the owners of the suit schedule property and the suit schedule property is a Government poromboke property, the respondents/plaintiffs have filed the amendment application to amend the plaint. He would submit that amendment has been sought to amend the plaint by the respondents/plaintiffs for the second time. While allowing I.A. No.10 of 2026, the Trial Court has given the following reasons:

a) Liberal approach has to be given to the parties to establish their case by way of amending the plaint and pleadings as well as the schedule of property;

b)The respondents/plaintiffs have come forward with proper document of Settlement deed Ex.P1 to amend the schedule of property;

c)Due to the earlier counsel's omission, the parties cannot be made to suffer;



d)The schedule of property was wrongly mentioned in the plaint as 2100 sq.ft. instead of 2170 sq.ft. Therefore, according to the respondents/plaintiffs, there became a necessity for them to file the amendment application.

5.The respective contentions of the parties can be adjudicated only after the witnesses are examined and the documents are considered after trial. This Court does not find any infirmity in the reasons given by the Trial Court for allowing the application filed by the respondents/plaintiffs. The interest of the petitioners/defendants have not been defeated by the passing of the impugned order. The petitioners have got the right to cross examine the respondents'/plaintiffs' witnesses during the trial and they have also got the right to raise all objections with regard to the amendment carried out by the respondents/plaintiffs pursuant to the impugned order at the time of final arguments in the suit. Necessarily, those objections will have to be considered by the Trial Court while disposing of the suit. In the impugned order, the Trial Court has not gone into the merits of the suit filed by the respondents/plaintiffs and has allowed the amendment application only due to the reasons given by the Trial Court as extracted by this Court in this order.

6.For the foregoing reasons, this Court is not interfering with the impugned order and this Civil Revision Petition is disposed of by granting liberty to the petitioners/defendants to raise all objections with regard to the



amendment of the plaint pursuant to the impugned order during the cross examination of the respondents'/plaintiffs' witnesses and also during the arguments in the main suit and the Trial Court shall consider those objections, on merits and in accordance with law and only thereafter, dispose of the suit O.S. No.9143 of 2019. The Trial Court shall also permit the petitioners/defendants to file additional written statement pursuant to the impugned order and the Trial Court shall also frame additional issues, after filing of the additional written statement by the petitioners/defendants. Consequently, connected CMP is closed. No costs.

06-08-2026

vga



CRP No. 4585 of 2026



To

The IV Additional City Civil Court at Chennai.



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ABDUL QUDDHOSE J.

vga

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