



WEB COPY

CRP No.5022 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.5022 of 2026

and

C.M.P.No.21907 of 2026

Dhanakodi
S/o.Late Seenuvasan

..Petitioner

Vs

Seenuvasan (Died)

Vijayarani (died)

1. Radhakrishnan
S/o.Late Seenuvasan

2. Jayaprakash,
S/o.Late Seenuvasan

Kala (Died)

Balasubramainam (Died)

3. Amarnath
S/o.Radhakrishnan

4. Dhandapani,
S/o.Late Baskaran Chettiar

5. Manikandan,
S/o.Late Baskaran Chettiar

6. Priya
W/o.Pandian

7. Indira,
W/o.Late Seenuvasan



8. Suvedha,
W/o.Sathishkumar

9. Renuka
W/o.Seshadhri

10.Mohan,
S/o.Gopal

11.Gopal,
S/o.Vasudevan Chettair

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order 01.07.2026 made in I.A.No.01 of 2026 in O.S.No.43 of 2006 on the file of the Principal Sub Court, Kallakurichi.

For Petitioner : Mrs.M.Adhishree
for Mr.N.Manoharan

For Respondents : Mr.B.Mukil [R1]
Mr.A.G.Rajan [R3]

ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order passed in I.A.No.1 of 2026 in O.S.No.43 of 2006 dated 01.07.2026 by the Principal Sub Court, Kallakurichi, wherein the application filed by the petitioner/plaintiff under Order VI Rule 17 CPC came be dismissed by the Court below.



2. Heard learned counsel for petitioner and learned counsel for respondents 1 and 3 and carefully perused the materials available on record.

This Court also went through the impugned order.

3. The petitioner is the plaintiff in the suit filed in O.S.No.43 of 2006 seeking for the relief of partition. The suit was at the stage of examination of witness on the side of defendants and D12 was on the witness box. At this stage, I.A.No.1 of 2026 came to be filed under Order VI Rule 17 CPC seeking for amendment of plaint in order to incorporate certain money transactions in the plaint and to substantiate the case of the plaintiff. This application came to be dismissed by the Court below. Aggrieved by the same, the present revision has been filed.

4. Learned counsel for petitioner submitted that the defendants had purchased certain properties out of the joint family funds, which were not disclosed in the written statement and therefore, by means of amendment, monies spent for purchase of properties was sought to be included in the pleadings and in fact, defendants had not objected for such amendment and it is contended that the proposed amendment only clarifies the stand taken by the plaintiff and it does not change the character of the suit. Hence, it is contended that the amendment has to be allowed subject to any condition imposed by this Court.



5. In the case in hand, the suit is of the year 2006 and the suit is at the stage of examination of witnesses on the defendants' side. Even according to the petitioner, the transaction regarding which the money trail was sought to be included in the plaint pertained to the year 2015. While dealing with an application for amendment of plaint, the Court has to keep in mind the amendment that was brought into the Civil Procedure Code in the year 2002 where post trial amendment has been made more stringent. Therefore, unless and otherwise there is sufficient reason for the delay in seeking amendment, the Court cannot allow amendment as a matter of course. In the case in hand, there is substantial delay on the part of the petitioner seeking amendment without any plausible cause. If such an amendment is allowed leniently by the Court, a litigation will never come to end. In the instant case, the litigation is pending for the last 20 years and the amendment is sought for by the plaintiff after nearly 20 years of filing of the suit. In view of the same, the order passed by the Court below is not liable to be interfered with by this Court by exercising its jurisdiction under Article 227 of the Constitution of India.

Accordingly, this civil revision petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

20-08-2026

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



To

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The Principal Sub Court,
Kallakurichi.

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N.ANAND VENKATESH, J.

gm

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