



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 5028 of 2025

AND

CMP NO. 25381 OF 2025

1. D.Devaki
W/o.Deivasigamani, S/o.late R.Kathirelu
No.86, Kamarajar Salai, Kodungaiyur,
Chennai 118.
2. K.Mohan
S/o.late R.Kathirvelu,
No.86, Kamarajar Salai, Kodungaiyur,
Chennai 118.

K.Purushothaman (Deceased)
3. K.Radha
D/o.late R.Kathirvelu,
No.86, Kamarajar Salai, Kodungaiyur,
Chennai 118.
4. K. Palani
S/o.late R.Kathirvelu,
No.86, Kamarajar Salai, Kodngaiyur,
Chennai 118.
5. K.Nithiyanandam
S/o.late R.Kathirvelu,
No.86, Kamarajar Salai, Kodungaiyur,
Chennai 118
6. P. Parimala
W/o.K.Purushothaman,
No.86A, Kamarajar Salai, Kodungaiyur,
Chennai 118.



7. P.Raghul (Minor)
Rep.by mother and Natural guardian
P. Parimala
No.86A, Kamarajar Salai, Kodungaiyur,
Chennai 118.

..Petitioner(s)

Vs

1. Rajeswari
W/o.late R.Thangavelu,
NO.87, Kamarajar Salai, Kodungaiyur,
Chennai 118.
2. Shanthi
D/o.late R.Thangavelu,
No.87, Kamarajar Salai, Kodungaiyur,
Chennai 118.
3. T.Nagaraj
S/o.late R.Thangavelu,
No.87, Kamarajar Salai, Kodungaiyur,
Chennai 118.
4. T.Srinivasan
S/o.late R.Thangavelu,
NO.87, Kamarajar Salai, Kodungaiyur,
Chennai 118.
5. Lakshmi
D/o.late R.Thangavelu,
NO.87, Kamarajar Salai, Kodungaiyur,
Chennai 118.
6. Pushpa
D/o.late R.Thangavelu,
No.87, Kamarajar salai, Kodungaiyur,
Chennai 118.



7. T. Kumar
S/o.late R.Thangavelu,
No.87, Kamarajar Salai, Kodungaiyur,
Chennai 118.
8. R.Thanigavelu
S/o.late Ramaswamy Naicker
Old No. 92, New NO.154, Kamarajar Salai,
Kodungaiyur, Chennai 118.
9. Mallika
S/o.late R.Jayavelu,
No.93, Kamarajar Salai, Kodungaiyur,
Chennai 118.
- 10.J. Ravikumar
S/o.late R.Jayavelu,
No.93, Kamarajar Salai, Kodungaiyur,
Chennai 118.
- 11.J. Murthy
S/o.late R.Jayavelu,
No.93, Kamarajar Salai, Kodungaiyur,
Chennai 118.
- 12.J.Manikandan
S/o.late R.Jayavelu,
No.93, Kamarajar Salai, Kodungaiyur,
Chennai 118.
- 13.J.Devi
D/o.late R.Jayavelu,
No.93, Kamarajar Salai, Kodungaiyur,
Chennai 118.
- 14.T. Ramesh
S/o.R.Thanigaivelu,
Old No.92, New No.154, Kamarajar Salai,
Kodungaiyur, Chennai 118.



15.R.Sathyavathi
W/o.T.Ramesh
Old No.92, New No.154 Kamarajar Salai,
Kodungaiyur, Chennai 118.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order dated 25.8.2025 passed by the XV Additional City Civil Court, Chennai in IA.NO.10/2024 in OS.No.2583/2013 by allowing the Revision Petition.

For Petitioner(s): Mr. J.Sudhakaran

For Respondent(s): Ms. J.Lavanya
for Mr.V. Chandraprabu for R8, R14 & R15
R4 & R10 to R13 – No appearance
R1, R2, R3, R5 to R7 – vacated
R9 - died

ORDER

Challenging the impugned order passed in I.A.No.10 of 2024 in O.S.No.2583 of 2013 by the learned XV Additional Judge, City Civil Court, Chennai, the Revision Petitioners/plaintiffs preferred this Civil Revision Petition.

2.Before the trial court, the Revision Petitioners/Plaintiffs filed a suit in O.S.No. 2583 of 2013 against the defendants for the relief of partition and separate possession along with mandatory injunction and also sought for the relief of declaration in respect of settlement deed dated 14.12.2011 and



permanent injunction. The said suit was contested by the respondents/defendants. Some of the defendants filed written statement and others remained exparte. On seeing the written statement, the Revision Petitioners/plaintiffs came to know that there is another settlement deed dated 06.08.2012 executed by 14th defendant in favour of 15th defendant. To that effect, they wanted to include one more prayer to declare the settlement deed dated 06.08.2012 as null and void. To that effect, they have filed an application in I.A.No. 10 of 2024 to amend the pleadings in the plaint and also to include another prayer with regard to sunshade put up during the pendency of proceedings over the common pathway. The said application was contested by 8th respondent, however some of respondents remained exparte and some of the respondents refused to receive notice. On hearing the objections of 8th respondent/defendant and on perusal of available records, the trial court had found that the suit was filed in the year 2013 and now the case is posted for trial, at this stage, the amendment application was filed without assigning any proper reason. Therefore, it is not permissible. Accordingly, the application was dismissed. Aggrieved over the said findings, the Revision Petitioners/Plaintiffs preferred this Civil Revision Petition.

3. The learned counsel for respondents raised objections stating that at the belated stage, they came forward with the said application to amend the prayer in the pleadings, which will change the nature of suit and they ought to have filed the application much earlier. Therefore, the reason assigned by the trial

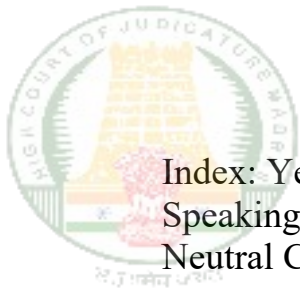


judge is sustainable one, which requires no interference. Hence, he prayed to dismiss this Civil Revision Petition.

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4. Considering both side submissions, the fact reveals that now the Revision Petitioners/plaintiffs wanted to include one more prayer with regard to settlement deed dated 06.08.2012 said to be executed by 14th defendant in favour of 15th defendant after filing of the suit. Admittedly, the suit was filed in the year 2013 and already in favour of 14th defendant, there is a relief of declaration claimed to declare the settlement deed stands in D14's name as null and void and now, the 14th defendant executed a settlement deed in favour of 15th defendant pending proceedings, which is a consequential prayer of earlier prayer, which is just and necessary to adjudicate the existing dispute between the parties and the nature of prayer, thus, the amendment would not change the character. But, the trial judge failed to take note of the same. Therefore, the findings of trial judge is liable to be set aside. Accordingly, the order passed in I.A.No.10 of 2024 in O.S.No. 2583 of 2013 by XV Additional Judge, City Civil Court, Chennai is set aside and this Civil Revision Petition is allowed. Liberty is granted to the respondents/defendants to file additional written statement, if any before the trial court and both parties are directed to cooperate with the trial proceedings in the suit. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

09-03-2026



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

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RPP

To

The XV Additional Judge, City Civil Court, Chennai.



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T.V.THAMILSELVI J.

RPP

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