

C.R.P(MD)No.1669 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1669 of 2026

and

C.M.P(MD)No.8077 of 2026

Subbaiah

.. Petitioner

Vs.

Alagammal (died)

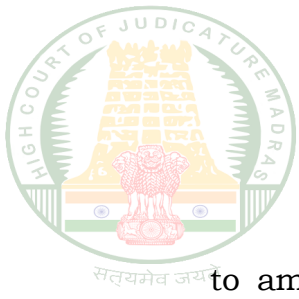
- 1.P.Azhagi
- 2.P.Subbaiah
- 3.P.Ganapathy

Alaguthevan (died)

- 4.Ramasubbu
- 5.Palanisamy
- 6.Shantha
- 7.Poonguzhali
- 8.Poovendran @ Alaguraja
- 9.Poongodi
- 10.Sridevi
- 11.Rameshkumar
- 12.Jothi

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records pertaining to the order passed by the learned Additional District Munsif, Tirupathur in I.A.No.3 of 2023 in O.S.NO.26 of 2016 by order dated 10.04.2026 and set aside the same and consequently, direct the above said trial Judge



C.R.P(MD)No.1669 of 2026

to amend the plaint presented in connection with the said case as prayed for.

For Petitioner : Mr.R.Anand

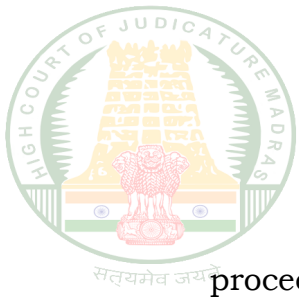
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ORDER

The Civil Revision Petition has been filed challenging the order passed by the trial Court dismissing the amendment application filed by the petitioner.

2.The petitioner herein filed a suit seeking a declaration of title and permanent injunction. The case of the petitioner is that his father was the adopted son of one Nachammai and Nallathambi and, therefore, the suit properties belong to him. In paragraph No.11 of the plaint, the petitioner specifically pleaded that he came to know about the sale deed of the year 1930 executed in favour of the Palaniyappaservai and the release deed executed in favour of the plaintiff's father only on 02.06.2015.

3.During the course of trial, when the petitioner was examined as P.W.1, he admitted that he had referred to the aforesaid sale deed dated 01.12.1930 and the release deed dated 11.11.1947 in the earlier



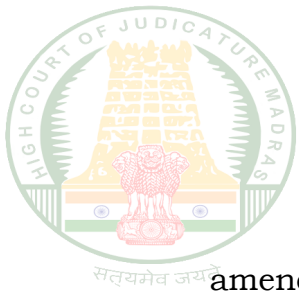
C.R.P(MD)No.1669 of 2026

WEB COPY

proceedings, namely, O.S. No.73 of 2003, A.S. No.94 of 2006, and S.A(MD)No.688 of 2008. He further admitted that O.S. No.73 of 2003 was dismissed on 03.02.2005, A.S. No.94 of 2006 was dismissed on 19.06.2007, and the Second Appeal in S.A(MD)No.688 of 2008 was also dismissed by this Court on 27.01.2009.

4.In view of the admissions made by P.W.1, the averment in paragraph No.11 of the plaint that he acquired knowledge of the aforesaid documents only on 02.06.2015 stood falsified. Thereafter, the petitioner filed the present amendment application seeking to amend paragraph No.11 of the plaint by deleting the averment that he came to know about the documents only on 02.06.2015 and by incorporating the details of the earlier proceedings, namely, O.S. No. 73 of 2003, A.S. No.94 of 2006, and S.A(MD)No.688 of 2008. The trial Court dismissed the said application on the ground that a party cannot be permitted to amend the pleadings after commencement of trial so as to overcome the admissions made during evidence. Aggrieved by the said order, the petitioner has filed the present Civil Revision Petition.

5.The learned counsel for the petitioner submitted that the petitioner had already referred to the earlier proceedings in the plaint and that he only intended to retain the pleadings by suitably



C.R.P(MD)No.1669 of 2026

WEB COPY

amending paragraph No.11. According to the learned counsel, the proposed amendment would not cause any prejudice to the respondents.

6.This Court is unable to accept the said submission. As already stated, the petitioner had specifically pleaded in paragraph No.11 of the plaint that he acquired knowledge of the sale deed dated 01.12.1930 and the release deed dated 11.11.1947 only on 02.06.2015. However, during the examination of P.W.1, he categorically admitted that he had knowledge of those documents even in the earlier proceedings and had, in fact, referred to them therein. Thus, the admission made by P.W.1 completely falsifies the pleading contained in paragraph No.11 of the plaint.

7.The proposed amendment is nothing but an attempt to withdraw the earlier pleading and to introduce a new case so as to bring the pleadings in conformity with the evidence adduced by the petitioner. It is well settled that a party cannot be permitted to alter or withdraw admissions made in the pleadings by way of amendment, particularly after commencement of trial, merely to suit the evidence already let in.



C.R.P(MD)No.1669 of 2026

WEB COPY

8.In the case on hand, the petitioner pleaded that he acquired knowledge of the documents only in the year 2015. However, during cross-examination, he admitted that he had knowledge of the said documents even during the earlier proceedings. Having made such an admission, it is not open to the petitioner to amend the plaint so as to overcome the effect of his own evidence.

9.Further, the amendment application has admittedly been filed after commencement of trial. The petitioner has not assigned any satisfactory reason for not seeking the amendment before the commencement of trial. Therefore, the mandatory requirement under the proviso to Order VI Rule 17 of the Code of Civil Procedure has not been satisfied. This Court finds no infirmity or illegality in the order passed by the trial Court.

10.Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

01.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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C.R.P(MD)No.1669 of 2026

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To

- 1.The Additional District Munsif, Tirupathur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD)No.1669 of 2026

S.SOUNTHAR, J.

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