

C.R.P(MD)No.1721 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1721 of 2026

and

C.M.P(MD)No.8281 of 2026

Lakshmanan

.. Petitioner

Vs.

1.S.Thavamani

2.M.Murugeshwari

3.A.Sumathi

4.Jeyaraman

5.J.Vijayanand

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 08.04.2026 made in I.A.No.8 of 2025 in I.A.No.55 of 2023 in O.S.No. 73 of 2022 on the file of the Additional District and Sessions Court, Periyakkulam, Theni.

For Petitioner : Mr.S.Kadarkarai

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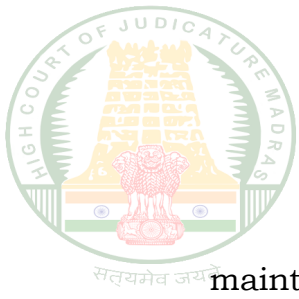
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ORDER

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

2. The respondents 1 to 3/plaintiffs filed a suit for partition claiming a 3/5 share in the suit property. The petitioner, who is the second defendant, had already filed an application in I.A.No.55 of 2023 seeking rejection of the plaint by raising various grounds. Subsequently, the petitioner sought to amend the said application to incorporate subsequent developments relating to the alleged insanity of the third plaintiff. The said amendment application was dismissed by the trial Court. Aggrieved by the same, the petitioner has filed the present Civil Revision Petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner came to know about the alleged insanity of the third plaintiff only subsequently. Therefore, the petitioner seeks to introduce the said plea in the application seeking rejection of the plaint. It was further contended that since the third plaintiff, who is allegedly suffering from insanity, is not represented by a next friend, the suit, insofar as the third plaintiff is concerned, is not



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maintainable. Hence, the petitioner should be permitted to raise the said ground by way of amendment.

4. It is well settled law that an application seeking rejection of the plaint has to be decided solely on the basis of the averments contained in the plaint and the documents filed along with it. The petitioner now seeks to introduce a plea regarding the alleged insanity of the third plaintiff by way of amendment to the affidavit filed in support of the application for rejection of the plaint. Whether the third plaintiff is suffering from insanity or not is a disputed question of fact, which can be decided only on the basis of evidence. The said issue cannot be adjudicated merely on the basis of the averments contained in the affidavit filed in support of the petition for rejection of the plaint. In such circumstances, the introduction of the proposed averments by way of amendment will not enable the petitioner to successfully prosecute the petition for rejection of plaint filed by him. The petitioner has already filed a detailed additional written statement raising all the relevant contentions. The same can be considered by the trial Court at the time of final disposal of the suit on the basis of the evidence adduced by the parties.



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5. In the above circumstances, I do not find any reason to interfere with the order passed by the trial Court dismissing the amendment application.

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

07.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn

To

1.The Additional District and Sessions Court,
Periyakkulam, Theni.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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