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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2023

CORAM

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.342 of 2022

and

C.M.P.No.1815 of 2022

1.Choolai Arulmigu Pachaimman &
Vembuliamman Thirukoil
Seva Trust represented by its Secretary
No.183/92, Strahans Road,
Otteri, Chennai – 600 012.

2.Mrs.P.C.Saranya

3.Mrs.P.C.Abirami

4.Dr.E.Sakthivell

5.Mr.N.Kumaravel

6.Mr.N.Eswarachandavel

7.Dr.N.Muthukumaravell ...Petitioners

Vs.

1.Mr.S.Manikandan
2.The Joint Sub Registrar
1103, Poonamallee High Road,



Poongavanapuram,
Periamet, Chennai – 600 007.

...Respondents

PRAYER:Civil Revision Petition filed under Article 227 of the Constitution of India to allow this Civil Revision Petition, to set aside the order and decreetal order dated 01.11.2021 passed in I.A.No.8 of 2021 in O.S.No.1877 of 2019 on the file of the VIIIth Assistant Judge City Civil Court at Chennai.

For Petitioners	:	Mr.K.P.Chandrasekaran
For Respondents	:	Mr.R.Arunkumar

ORDER

This Revision challenges the order passed under Order 6 Rule 17 of the CPC, 1908. The suit was presented on 11.03.2019. After the suit was presented, certain events had taken place which the plaintiff wants to bring to the notice of the Court. The only way a plaintiff can bring to the notice of the court, events subsequent to the suit, is by filing an amendment petition.

2. It is admitted on both sides that on the date on which the amendment application was filed, trial had not yet commenced. Pre-Trial amendments have to be liberally construed.

3. Learned Counsel for the Petitioner invited the attention of this court to a judgment in *P.Mariappan Vs. P.Mohankumar (2021) 5 CTC 727*



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dated 15.03.2021 and would submit that the judgment applies in all fours to the facts of the case. I have gone through the judgment rendered by my brother Hon'ble Justice G.K.Ilanthiraiyan.

4.A perusal of the judgment shows, in that particular case, the trial had commenced and therefore the learned Judge applied the proviso to Order 6 Rule 17. In this case, the Trial has not yet commenced. Pre-Trial amendments, as consistently been held by the Supreme Court, require to be construed liberally. Further, the amendment does not change the frame of the suit, nor does it bring in a new cause of action. It only clarifies and brings forth to notice of the court events which have taken place subsequent to the commencement of the litigation.

5. I do not find any illegality or irregularity in the order, the Civil Revision Petition is dismissed. No costs. Connected Miscellaneous Petition is closed.

12.07.2023



Index : Yes/No
Neutral Citation Case : Yes/No
nst

V. LAKSHMINARAYANAN, J.
nst

To:
The
VIIIth Assitant Judge,
City Civil Court,
Chennai.

C.R.P.No.342 of 2022
and
C.M.P.No.1815 of 2022



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