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C.R.P.No.2039 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 14.02.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CRP.No.2039 of 2021 and**  
**C.M.P.No.15498 of 2021**

Kannan

... Petitioner

Vs.

Iyyanar

...Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order and decretal order of the Additional District Munsif Court, Villupuram in I.A.No.10 of 2020 in O.S.No.216 of 2014.

For Petitioner

: M/s.S.Srimathi

For respondent

: M/s.Prakash Adiapadam

**ORDER**

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



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2.The petitioner filed a suit for declaration of title and recovery of possession against the respondent/defendant. Pending suit, the instant application for amendment of plaint was filed by petitioner on the ground that in the plaint pleadings, he referred to sale deed dated 27.11.1971 executed in favour of Vadivel instead of Adhishesan by mistake. It is the case of the petitioner that he filed document dated 27.11.1971 executed in favour of Adhishesan as plaint document No.3. But, however in the body of the plaint mentioned the name of Vadivel instead of Adhishesan. Therefore, he wanted to amend the pleadings to substitute the name Adhishesan in the place of Vadivel.

3. The said application was opposed by the respondent on the ground that on 27.11.1971, the petitioner/plaintiff executed two sale deeds in favour of Adhishesan and Vadivel conveying 9 cents of land in the suit survey number in their favour. The petitioner by way of amendment wants to suppress the document executed by him in favour of Vadivel on 27.11.1971. The respondent also filed the registration copy of the two sale deeds executed by the petitioner on 27.11.1971 in favour of Vadivel and Adhishesan.



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4. The Trial Court, taking into consideration the two sale deeds executed by petitioner on 27.11.1971 in favour of Adhishesan and Vadivel conveying 9 cents each in the suit survey number, came to the conclusion that the averment made in the affidavit filed in support of amendment application as if the name of Vadivel was wrongly mentioned as Adhishesan cannot be accepted. The fact remains that on 27.11.1971, the petitioner executed a sale deed in favour of Vadivel conveying 9 cents in suit survey number. Therefore, the said averment made by the petitioner in the plaint cannot be stated to be incorrect. The petitioner by substituting the name of Adhishesan in the place of Vadivel trying to suppress the sale deed executed by him in favour of Vadivel. The amendment aimed at suppressing the real fact cannot be allowed. Therefore, I do not find any error in the order passed by the Trial Court.

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



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6. It is always open to the petitioner to amend the plaint by making reference to both the sale deeds executed by him in favour of Vadivel as well as Adhishesan.

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Index : Yes / No  
Internet : Yes / No  
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To

The learned Additional District Munsif Court, Villupuram.



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**S.SOUNTHAR, J.**

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