



C.M.P.No.151 of 2024
in S.A.No.1127 of 2021

P.T.ASHA, J,

The above petition is filed by the petitioners who are the plaintiffs for amending the town survey number in the suit schedule property.

2. In the original schedule of property, the town survey number has been described as T.S.Nos.35 and 42 and in its place, the petitioners seek to substitute T.S.Nos.42 as 43/1 and 44. In all other respects, particularly with reference to the boundaries, there is no change.

3. The suit had been filed to declare the various sale deeds and release deed as null and void; to partition the suit schedule property into 6 shares and allot 1/6th share to the plaintiffs; to direct the first defendant to deposit the rent collection; and for a permanent injunction restraining defendants 1 to 3 from alienating the property and disturbing the plaintiffs' peaceful possession and enjoyment of the suit schedule property.



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4. The suit had been decreed as against which the defendants 1 to 3, who are the appellants herein, had filed A.S.No.114 of 2019 on the file of the V Additional City Civil Court, Chennai. The first appeal had also been dismissed, against which the second appeal has been filed. The second appeal has been admitted on 10.01.2022. This petition has been filed for amending the schedule as described above.

5. In the affidavit filed in support of the petition, the petitioners would submit that during the arguments in the above second appeal, the learned counsel for defendants 1 to 3 had pointed out that the town survey number has not been given as per the Rectification Deed dated 20.06.2016. It was only then that the petitioners had noticed the said error. Therefore, they have come forward with this petition.

6. Heard the learned counsel on either side and perused the materials available on record.



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7.The amendment does not in any way change the character of the suit or the subject matter of the suit since the boundaries and all other description of the property remain the same, and it is only one of the town survey number that has to be changed i.e., in the place of T.S.No.42, T.S.Nos. 43/1 and 44 to be substituted.

8. Considering the above facts and particularly since the appellants/ defendants 1 to 3 would not be prejudiced, this petition is allowed. The Registry is directed to carry out the necessary amendment.

12.02.2024

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