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C.R.P.No.3874 of 2024

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

**DATED : 04.10.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN**

**C.R.P.No.3874 of 2024**  
**and C.M.P.No.21256 of 2024**

S.V.S Oil Mills

Regd. Partnership Firm

rep. By Its Partner Thiru V.Jayakumaran

carrying On Business At Door No.8/12

Thiruvotriyur High Road

... Petitioner

-Vs-

- 1 W.G.Kalyanasundaram
- 2 W.G.Sulochana Ammal
- 3 W.G.Pankajavalli
- 4 W.G.Sarojini
- 5 W.G.Vijayakumari
- 6 W.G.Devaranjini
- 7 W.G.Devamanokari
- 8 V.Srinivasan
- 9 S.Radhika
- 10 W.S.Sivachakravarthi
- 11 W.S.Sarojini Amma
- 12 W.S.Siva Rani
- 13 K.Punithavathi
- 14 Prasanth
- 15 N.Ramalingam
- 16 Rajeswari
- 17 Deivanayagam @ Deivanayaki
- 18 Umasankaran
- 19 Rukmaniammal
- 20 Chandran
- 21 Jijibai
- 22 Geetha
- 23 Padmini @ Sathyabhama
- 24 Rajasekaran



C.R.P.No.3874 of 2024

- 25 S.Saroja
- 26 W.S.Raja
- 27 W.S.Kumar
- 28 Kalpana
- 29 Latha
- 30 Anitha
- 31 W.S.Jothi
- 32 W.S.Ravichandran
- 33 J.Mohana Santhi
- 34 B.Jamuna
- 35 S.Mahalakshmi
- 36 B.rathinamala
- 37 M.C.Jagadeesan
- 38 J.Saravana Kumar
- 39 J.Arun Kumar
- 40 M.Jaya Shankar @ Babu
- 41 M.Jayakanth
- 42 S.Pramila
- 43 Maia @ Nirmala
- 44 C.Chandrasekaran
- 45 C.Sethuraman
- 46 C.Gunabhooshani
- 47 C.Vijaya Lakshmi
- 48 C.Leelavathy
- 49 C.Hemalatha
- 50 C.Anandhi
- 51 D.Sridharan
- 52 V.Veerammal @ Vimala
- 53 Pushpaveni
- 54 K.Samundeeswari
- 55 P.Venkatachalapathy
- 56 R.Ranjani
- 57 W.R.Kuppuraj
- 58 J.Mohana Sundari
- 59 B.Kalaivani
- 60 V.Nirmala
- 61 R.Revathi
- 62 W.S.Suguna
- 63 T.D.Hemalatha
- 64 T.D.Suresh Babu
- 65 S.Shanmugapriyan
- 66 S.Kannagi
- 67 W.S.Elango
- 68 W.S.Shantakumar



C.R.P.No.3874 of 2024

69 C.Malarvizhi  
70 D.Kalyani  
71 W.S.Suresh

.... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to set aside the order dated 12.09.2023 passed by Learned V Additional City Civil Court Chennai rejecting the unnumbered application in IA SR No.60197/2022 in OS No.7582/2021.

For Petitioner : Mr.J.Kalidass  
for Mr.R.Vaidyanathan

### **ORDER**

This Civil Revision Petition arises against the order of the V Additional City Civil Court in I.A.SR.No.60197 of 2023 in O.S.No.7581 of 2021 dated 12.09.2023.

2. O.S.No.7581 of 2021 is a suit for specific performance of a lease agreement dated 19.11.1970. In terms of the lease agreement, the plaintiff entered possession of the property as a lessee. According to him, the lease agreement granted him three periods of 25 years each to remain in possession, the first period commencing from 19.11.1970 to 18.11.1995. He would state that he made a demand for extension of lease by a further period in terms of the lease agreement dated 19.11.1970 for a further period of 25 years from 08.12.1995. As the defendants did not accede to the request, he came forth with the suit in C.S.No.281 of 2023. Due to the enhancement of pecuniary jurisdiction, the suit



C.R.P.No.3874 of 2024

stood transferred to the V Additional City Civil Court and was renumbered as O.S.No.7582 of 2021. By the time the suit came up for disposal, the period of 25 years from 08.12.1995 had expired. Therefore, the plaintiff filed an application seeking to amend the plaint for a direction to execute a lease deed for a further period of 25 years from 08.12.2020. The said application came to be dismissed by the learned V Additional City Civil Court, Chennai. Hence the revision.

3. Heard Mr.J.Kalidass for the civil revision petitioner. Mr.Kalidass would submit that the lessee claims the property by virtue of a lease deed entered into by it with the defendant on 19.11.1970. All that he proposes to do by virtue of the amendment is a further extension of the lease so granted.

4. Every extension of lease would give a fresh cause of action for the plaintiff in case he is rightly entitled to it and the same is denied by the defendants. The case as originally presented before the Court was for the lease period from 08.12.1995 to 07.12.2020. The said period has already expired. If the plaintiff pleads that he has complied with the conditions of lease deed and he is entitled for an extension of lease, then it gives rise to a new cause of action. The remedy in such a case is only to file a fresh suit and not to amend the pending suit. This is because the plaintiff would have to prove before the Court that he was ready and willing to get a fresh lease deed executed from 2020 till 2045. The plaintiff can only plead about its readiness and willingness in the year 1995. If the plaintiff is not



C.R.P.No.3874 of 2024

ready and willing for the subsequent period, then he would not be entitled for a decree for specific performance. Being a separate cause of action, the plaintiff cannot amend the existing plaint. Leaving it open to the plaintiff to file a fresh suit if he is so advised, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**04.10.2024**

Index : Yes/No

Neutral Citation : Yes/No

KST

To

V Additional City Civil Court

Chennai



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C.R.P.No.3874 of 2024

**V. LAKSHMINARAYANAN, J.**

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**C.R.P.No.3874 of 2024**

**04.10.2024**