



C.R.P.(PD)(MD)No.761 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.03.2024

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.(PD)(MD)No.761 of 2021
and C.M.P.(MD)No.4141 of 2021

1.Palaniyappan
2.Thulasimani

... Petitioners

Vs.

1.Sathiyadevi
2.Ushadevi @ Arulmani
3.Pon Murugesh

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India praying to set aside the Fair and decretal order dated 04.08.2020 passed in I.A.No.1 of 2020 in O.S.No.76 of 2018 on the file of the District Judge, Karur and allow the present Civil Revision Petition.

For Petitioners : Mr.V.Balaji

For Respondents : Mr.M.P.Senthil for R1
No Appearance for R2 & R3



ORDER

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This Civil Revision Petition is directed against an order dated 04.08.2020 passed in I.A.No.1 of 2020 in O.S.No.76 of 2018 on the file of the Court of District Judge, Karur. The said application was filed under Order 6 Rule 17 of C.P.C., seeking amendment of plaint pleadings and prayer in the said suit and the same was allowed by the learned trial Court. Aggrieved by the said order, the petitioners herein, who are the defendants 1 and 2 in the suit, filed the present Civil Revision Petition.

2. The only objection raised by the learned counsel appearing for the petitioners / defendants 1 and 2 is that the reason assigned in the affidavit filed in support of the said application, stating that the first respondent/plaintiff came to know about the mortgage deed etc., only during the course of mediation proceedings in the mediation centre, is totally false, as the petitioners / defendants 1 and 2 herein have made a specific plea in the written statement as early as in the year 2019 itself. The further objection against the amendment is that the said application seeking amendment of the pleadings was filed only after the commencement of the trial.



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3. The learned counsel for the first respondent/plaintiff submits that at the time of chief examination of P.W.1, the first respondent / plaintiff realized that the mortgage deed dated 30.07.2018 needs to be challenged and accordingly, the first respondent plaintiff filed the present application and the same is rightly allowed by the trial Court.

4. This Court thoroughly perused the entire materials on record and the nature of the amendment sought under Order 6 Rule 17 of C.P.C. It is settled law that any amendment of pleadings filed under Order 6 Rule 17 has to be allowed liberally with a view to avoid future litigation. It is only in case if there is any legal bar such as limitation in seeking such amendment to the plaint, the Courts are required to look into such aspects. But this is not a case one of such kind and there is no legal impediment for the first respondent/plaintiff to seek the amendment in the plaint, as proposed.

5. In the circumstances, this Court does not find any error or illegality in the order passed by the learned trial Court permitting the amendment of



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plaint. Hence, this Court is not inclined to interfere with the discretion exercised by the learned trial Court.

6. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.03.2024

NCC : Yes/No
Index : Yes/No

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To

- 1.The District Judge, Karur.
- 2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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MUMMINENI SUDHEER KUMAR, J.

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