



CRP Nos.27 and 28 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :01.07.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P.Nos.27 and 28 of 2025 and CMP Nos.223 and 220 of 2025

1.S.Ganesan
2.Smt.S.Jothi

.... Petitioners in both the revisions

VS

1.S.Rajendran
Palani (Died)
2.Smt.Vanaja
Smt.Selvi (Died)
3.Smt.A.Uma
revisions

... Respondents in both the

Revisions filed under Article 227 of the Constitution of India against the fair and decretal order dated 19.11.2024 passed in I.A.Nos.5 and 4 of 2023 in O.S.No.267 of 2015 on the file of Principal District Munsif, Tiruvallur.

For Petitioner : Mr.I.Ramanathan

For Respondents : Mr.R.Selvakumar
For R.1
R.2 & R.3 – No appearance

ORDER

The defendants 2 and 3, aggrieved by the order of the trial court,



CRP Nos.27 and 28 of 2025

allowing the application for amendment under Order VI Rule 17 of Civil

Procedure Code, have come forward with the present revision in CRP No.27 of 2025 and as against allowing the application filed under Section 151 of Civil Procedure Code to reopen the evidence on the side of the plaintiff, CRP No.28 of 2025 has been filed.

2. Heard the learned counsel for the petitioners.

3. Learned counsel for the petitioners/defendants 2 and 3 would state that originally the plaintiff had filed a suit for bare permanent injunction and even in the written statement, the defendants had denied the right of the plaintiff in the suit property and no steps were taken to amend the plaint. Learned counsel for the petitioners points out that even prior to the filing of the suit, by way of reply notice, the right of the plaintiffs had been stoutly denied and therefore, he would contend to state that the plaintiffs were not advised properly and were not aware of their rights, cannot be countenanced. He would further state that the trial Court has erroneously allowed the application for amendment. Learned counsel also specifically pointed out that the rejoinder notice was sent by the very same counsel, prior to the filing of the suit. He would therefore state that the application is malafide and ought to not to be entertained.



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4. Per contra, learned counsel for the respondents first and foremost submits that the trial Court has rightly ordered the application for amendment and he would further contend that in order to avoid multiplicity of proceedings, it would be in the interest of all the parties that the amendment is entertained. He would also place reliance on the decision of the Hon'ble Supreme Court in ***B.K.Narayana Pillai vs Parameswaran Pillai and Another***, reported in ***(2000)1 SCC 712***, where the Hon'ble Supreme Court has held that the amendment of pleadings should be permitted where it would result in solution of real controversy between the parties.

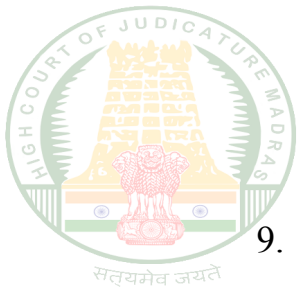
5. Learned counsel for the respondent would also rely on the decision of the Hon'ble Supreme Court in ***Raghu Thilak D.John vs S.Rayappan and another***, reported in ***(2001)2 SCC 472*** where the Hon'ble Supreme Court has held that even if the amendment was in the nature of changing the nature of the suit originally filed, it cannot be a reason for refusing the amendment and dominant purpose of Order VI Rule 17 is to minimise litigation.

6. I have considered the submissions advanced by the made by the learned counsel on either side .



WEB COPY 7. Admittedly, the suit has been originally filed only seeking the relief of permanent injunction. At the stage of trial, the plaintiffs have come up with an application for amendment of plaint, incorporating the relief of declaration. On going through the affidavit filed in support of the application, it is seen that the petitioners have admitted that their right has been denied in the written statement. However, it is the contention of the plaintiffs that the then counsel has not advised them properly which led to seeking the relief of permanent injunction and therefore, the application has been taken out to incorporate the reliefs of declaration as well as partition.

8. Admittedly, the pleadings in the plaint as well as the written statement are not going to be affected because of the additional reliefs that have been sought for in the plaint. On the very same set of facts, the new reliefs have been sought for. No serious prejudice would be caused to the petitioners/defendants. In fact, as rightly pointed out by Mr.R.Selvakumar, learned counsel appearing for the first respondent, by allowing the amendment, the trial Court has only ensured that there is no multiplicity of proceedings, which is also likely to cause conflicting orders.



CRP Nos.27 and 28 of 2025

9. Therefore, I do not find any serious prejudice caused to respondents/defendants by permitting the plaintiff to incorporate new reliefs on the very same set of facts. In any event, the defendants have a right to file an additional written statement and contest the new reliefs that have been permitted. In view of the above, I do not find any perversity in the order of the trial court ordering amendment.

10. In the result, both the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11. Considering the fact that the suit is of the year 2015, the trial Court shall expedite final disposal of the suit, pleadings shall be complete by end of July 2025 and thereafter the trial shall be concluded on or before 31.10.2025 and the suit shall be disposed of on or before 21.11.2025.

01.07.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-speaking Order
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CRP Nos.27 and 28 of 2025

P.B.BALAJI.,J.

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To

The Principal District Munsif Court,

CRP Nos.27 and 28 of 2025

01.07.2025