



WEB COPY



A. No.301 of 2025

in

C.S. No.288 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

A. No.301 of 2025

in

C.S. No.288 of 2018

Dr. S. Selvakumar

... Applicant / Plaintiff

vs.

Dr. A.B. Selvarangan (deceased)

... 1st defendant

1. S. Balasubramani

2. S. Rajalakshmi

3. Laxmi Narayan Kakada

4. Ravikumar Kakada

... Respondents /Defendants 2 - 5

PRAYER: Application filed under Order XIV, Rule 8 of Original Side Rules

read with Order VI Rule 17 of Civil Procedure Code to amend the Plaint.

For Applicant : Mr. S. Namasivayam

For Respondents :

R1 : Mr. R. Munuswamy

R2 : Mr. D.R. Raghunath

R3 and R4 : Mr. N. Nagu Sah

ORDER

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This application has been filed to amend the Plaint.

2. According to the applicant, he is the Plaintiff in the main Suit and the he filed the said Suit for the relieves of declaration in respect of the properties as well as the documents executed by the 1st and 2nd defendants and for permanent injunction over the Suit properties. Already due to the death of the 1st defendant, the 3rd defendant was brought on record as his legal heir and subsequently the Plaint was amended. While so, during the pendency of the status quo order, the 1st respondent herein, had conveyed the Suit E Schedule properties and in the conveyance, included a portion not covered by Scheule E property to the 3rd and 4th respondents through a Sale Deed dated 19.09.2023. Since the sale was taken place during the pendency of the interim order, already the applicant filed an application to implead the subsequent purchasers as 4th and 5th defendants and the same was also allowed. Now, he wants to amend the Plaint pleadings and the prayers.



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3. The learned counsel appearing for the 1st respondents would submit that the amendment will introduce new cause of action and would alter the nature and character of the Suit and therefore, strongly objected to allow this application.

3.1. The learned counsel appearing for the respondents 2 to 4 would submit that the respondents 3 and 4 are the subsequent purchasers and without knowledge of the pendency of the Suit, they purchased so many properties and the Suit property is only one portion of the properties. Therefore, the applicant cannot seek amendment with respect to the entire properties. and therefore, this application has to be dismissed.

4. Heard both sides and perused the entire materials.



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5. Considering the reasons stated in the affidavit and during the pendency of the Suit, the properties have been sold and in order to avoid multiplicity of proceedings and to get decree bind by all the defendants and the properties, this application has been filed for amendment in the pleadings and prayer. The contention of the subsequent purchasers that the Sale deed cannot be set aside on its entirety, since only a part of the Suit properties has been covered under the Sale Deed is concerned, the same can be decided after trial. Once the purchase of property during the pendency of the Suit is admitted, in respect of the said property, the prayer is maintainable. The question as to whether entire properties of the document are the Suit properties or not, can be decided during the trial and final adjudication and not at this stage and it needs elaborate trial. The subsequent purchasers can file their objections in the form of pleadings.

7. In order to avoid multiplicity of proceedings, it is appropriate to



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allow this application and by allowing this application, no prejudice would be

caused to other side.

8. Therefore, this application is ***allowed***. There shall be no order as to costs.

9. To carry out amendment and for filing APC, post the matter on **04.11.2025.**

22.10.2025

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Index : Yes/No
Speaking Order : Yes/No
mjs



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