

C.R.P. (PD) No.1026 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 18.03.2025

CORAM:

THE HONOURABLE MS. JUSTICE P.T.ASHA

C.R.P. (PD) No.1026 of 2025

1. Jaya Mary
2. Arokiasamy
3. Sagaya Mary
4. Mariyammal
5. Fathima Mary
6. Pushpa Mary
7. Nambikkai Mary
8. Thomas
9. Fransis Xvier
10. Lilly Mary
11. Arokiya Irudhayaraj

...Petitioners

Vs

1. Irudhaya Mary
2. Victoriya
3. Lourdhu Mary

...Respondents



C.R.P. (PD) No.1026 of 2025

WEB COPY

PRAYER: Civil Revision Petition filled under Article 227 of Constitution of India against the fair and decretal order dated 30.09.2024 made in I.A.No.09 of 2024 in O.S.No.66 of 2020 on the file of the Additional District Court, Krishnagiri.

For Petitioner : Mr.T.Panchatsaram

ORDER

This Civil Revision Petition is filed challenging the order passed in I.A.No.09 of 2024 in O.S.No.66 of 2020 on the file of the Additional District Court, Krishnagiri in and by which the learned Judge had allowed the application for amending the plaint.

2. The respondents 1 and 2/plaintiffs had filed the suit in question for partition, separate possession, permanent injunction, declaration and other reliefs.



C.R.P. (PD) No.1026 of 2025

WEB COPY

3. When the matter was posted for the defendants' side further evidence and after examining the Village Administrative Officer of Orapakkam, the plaintiffs came to learn that the survey number of Item No.II of the “A” schedule property, R.S.No.365/5 had been wrongly mentioned as R.S.No.765/5 and is not situate at Kattinayanapalli village. Likewise, with regard to Item No.III of the “B” schedule, the Village name was wrongly mentioned as Kattiganapalli instead of Kattinayanapalli. Therefore, to amend the same I.A.No.9 of 2024 has been filed.

4. The petitioners / defendants had objected to the application stating that it is highly belated and the same has been filed at the nth hour. The application in fact has been filed 3 years after the trial had started. The amendment would result in a change in the cause of action and subject matter.

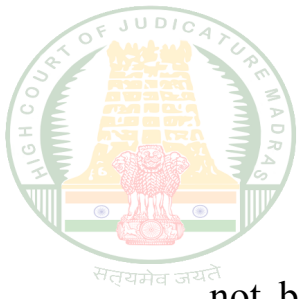


C.R.P. (PD) No.1026 of 2025

WEB COPY

5. The learned Additional District Judge, Krishnagiri on considering the same, had allowed the application and held that where an amendment application is filed, what has to be analysed is whether the amendment is essential for settling the issues that is framed in the suit and whether the same has been filed for protracting the proceedings. Challenging the same, petitioners/defendants 1 to 11 are before this Court.

6. The amendment that is sought for by the plaintiffs does not, in any manner, change the character of the suit or the subject matter. The first amendment that is sought for is to correct the survey number which has been wrongly shown as R.S.No.765/5 instead of R.S.No.365/5 and the second amendment is to change the name of the village from Kattiganapalli to Kattinayanapalli. No amendment has been sought to alter the boundaries. The learned Judge has observed that if this amendment is not permitted, the plaintiffs will



C.R.P. (PD) No.1026 of 2025

WEB COPY

not be able to execute the decree. Therefore, I see no reason to interfere with the order passed by the learned Judge. However, the learned Judge shall endeavour to dispose of the suit within a period of one month from the date of the amendment being carried out. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.03.2025

Index: yes/no

Speaking Order: Yes/No

srn

To

The Additional District Court, Krishnagiri.



WEB COPY



C.R.P. (PD) No.1026 of 2025

P.T.ASHA, J.

srn

C.R.P. (PD) No.1026 of 2025

18.03.2025