



CRP No.706 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :02.07.2025

CORAM:

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

C.R.P.No.706 of 2025 and CMP No.4039 of 2025

1.Munichandran

2.Mrs.Muniammal

... Petitioners

VS

Mrs.Chandralekha

.. Respondent

Revision filed under Article 227 of the Constitution of India against the order dated 02.12.2024 passed in I.A.No.4 of 2024 in O.S.No.113 of 2023 by the Principal District Munsif Judge, Tiruvallur.

For Petitioner : Mr.D.Sasikumar

For Respondent : Mr.D.Prakash

ORDER

The petitioners/plaintiffs have sought for amending the plaint schedule properties, with specific reference to the four boundaries. The said application was dismissed by the trial Court on the ground that the application has been taken after the trial commenced and following the ratio laid down in the case of



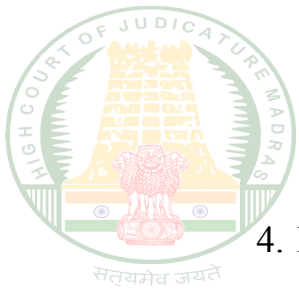
CRP No.706 of 2025

Ali Akbar vs Beer Mohamed dated 23.08.2024 (C.R.P(MD)No.1996 of 2024),

the trial Court distinguished the said case on facts and held that the present case the amendment incorporating new boundaries contrary to the description of the suit property and the sale deed cannot be permitted.

2. Unfortunately, the trial Court has lost sight of the fact that the description of the property in the schedule is in Tamil Vernacular Language, where the actual boundary would be the opposite of what is mentioned, contrary to the boundaries which are reflected when described in English. Therefore, the amendment which is sought for is only in line with the sale deed and not contrary to the sale deed.

3. However, learned counsel for the respondent/defendant would submit that the petitioners/plaintiffs having misunderstood the lay of the property and based on the incorrect understanding of the boundaries, that have actually put up construction in the property belonging to the respondent/defendant and that the respondent/defendant has filed a suit in O.S.No.621 of 2023 for declaration, possession and damages which is also pending before Principal District Court, Tiruvallur.



CRP No.706 of 2025

4. In view of the incorrect understanding of the boundaries described in the sale deed by the trial Court, I am inclined to allow the civil revision petition since no serious prejudice would be caused to the respondent/defendant if the amendment is ordered as it only seeks to correct the four boundaries. There is no change in cause of action or nature of the suit viz., seeking the relief of permanent injunction. However, at the same time, in order to avoid multiplicity of proceedings and considering the fact that parties in both the suits are one and the same, the Suit in OS No.113/2023 filed by the petitioners herein for permanent injunction is to be tried along with O.S.No.621 of 2023.

5. Accordingly, O.S.No.113 of 2023, pending on the file of Principal District Munsif, Tiruvallur is withdrawn and transferred to Principal District Court, Tiruvallur to be jointly tried with O.S.No.621 of 2023, filed by the respondent/defendant .

6. The Principal District Munsif Court, Tiruvallur is directed to send the entire records relating to O.S.No.113 of 2023 to the Principal District Court, Tiruvallur forthwith.



WEB COPY



CRP No.706 of 2025

P.B.BALAJI,J.

Sr

7. The Principal District Court, Tiruvallur is directed to try both the suits viz., O.S.No.113 of 2023 and 621 of 2023 jointly and expedite the trial and dispose of the same on or before 31.03.2026.

8. With the above direction, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

02.07.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

sr

To

1. The Principal District Munsif Court, Tiruvallur
2. The Principal District Court, Tiruvallur

C.R.P.No.706 of 2025