



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJIC.R.P.No.1585 of 2013

1. Kaliammal (died)
2. Kandasamy

... Petitioners

(P2 is impleaded as legal representative of the
deceased sole petitioner vide order of this Court
24.07.2025 in CMP Nos.16532, 16543 & 16541 of 2025
Vs.

- 1 Ramasamy Gounder (died)
Athiyappan (died)
Papayeeammal (died)
Perumayee (died)
2. Palaniammal
- 3 Boopathi
- 4 Sagunthala
- 5 Neelavathi
- 6 Ramakrishanan
- 7 Palaniappan(died)
- 8 Radhamani
- 9 Saraswathi
- 10 Jayammal

R-10 is brought on record as the Legal representative
of the deceased sole petitioner vide order of this Court
24.07.2025 in CMP Nos.16532, 16543 & 16541 of 2025

- 11 Rukmani
- 12 Chinnammal
- 13 Bakiyam

R11 to R13 are brought on record as Lrs of the deceased
R1 vide order of this Court dated 24.07.2025 in
CMP Nos.16286, 16288 & 16467 of 2025

- 14 Gnanasekar



15 Mohanaselvi

16 Thenmozhi

... Respondents

(R14 to R16 are brought on record as Lrs
of the deceased R7 vide order of this Court

24.07.2025 in CMP Nos.16551, 16553 & 16554 of 2025

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and final order, dated 14.07.2011 made in I.A.No.41 of 2011 in A.S.No.147 of 1970 on the file of the Principal Sub Court, Salem pending disposal of the Civil Revision Petition.

For Petitioner : Mr.N.Umapathy
For Respondents : Mr.A.Poovarasan for
M/s.Jury Brain Law Officers
for R1 & R2
No appearance for R3 to R9

ORDER

The first petitioner / plaintiff (deceased) in I.A.No.41 of 2011 in A.S.No.147 of 1979, seeks amendment of the preliminary decree passed by incorporating the correct Survey No.229/3 instead of Survey No.225/3.

2. The case of the petitioner is that the decree of the trial Court reflects the correct survey No.229/3. However, in the decree passed by the appellate Court, by inadvertence included the survey No.225/3 instead of 229/3. The application filed to incorporate the error in I.A.No.41 of 2011 has been dismissed by the first appellate Court only on the ground that the



petitioner has not sought for the amendment at an earlier point of time and inspite of an earlier application filed for amendment in I.A.No.1525 of 1979 to include that properties also the said request was not made.

3. The learned counsel for the respondents states that no interference is warranted since the plaintiff has approached this Court belatedly and that the Civil Revision Petition is to be dismissed.

4. Admittedly, the correct survey no of the property is 229/3 and not 225/3. The said Survey number has been allotted to the defendants. Therefore in the interest of all the parties, that too for the property to be correctly described, the Court ought not to have dismissed the application. It is brought to my notice that the mistake is in the decree and the a mistake committed by the Court which is not attributable to the parties

5. In the light of the same, I am inclined to set aside the order in I.A.No.41 of 2011 and the same is set aside. The application for amendment of the decree stands allowed and the Courts below shall carry out necessary

P.B. BALAJI,J.



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corrections, to enable the parties to work out the rights in accordance with

law.

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6. With the above direction, this Civil Revision Petition stands allowed. No costs.

23.10.2025

Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes/No

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To

The Principal Sub Court, Salem.

C.R.P.No.1585 of 2013