



C.R.P.P.D.No.747 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 26.02.2025

C O R A M

THE HONOURABLE Ms.JUSTICE P.T.ASHA

C.R.P.P.D.No.747 of 2025
and C.M.P.No.4272 of 2025

Sangeetha

.. Petitioner

-Vs.-

1. A.Muniraju
2. Baskar
3. Gopi

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 17.12.2024 made in I.A.No.3 of 2024 in O.S.No.111 of 2019 on the file of the Additional District Court at Hosur.

For petitioner ... Mr.T.L.Thirumalaisamy



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ORDER

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The above Civil Revision Petition is filed by the plaintiff challenging the order dated 17.12.2024 made in I.A.No.3 of 2024 in O.S.No.111 of 2019 in and by which the learned Additional District Judge, Hosur had rejected her application to amend the plaint.

2. The facts are briefly set out herein below:

(i) The petitioner/plaintiff had filed the above referred suit for specific performance of the registered Sale Agreement dated 11.01.2018 by directing the respondents/defendants to receive the balance sale consideration of Rs.1,00,000/- from her or in the alternative to refund the advance amount of Rs.10,00,000/- with 24% interest per annum.

(ii) The case of the plaintiff was that she had entered into an agreement of sale with the defendants for purchasing the suit schedule property for a sum of Rs.11,00,000/- and that a sum of Rs.10,00,000/- had been paid as an advance. Since the defendants had not come



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forward to register the Sale Deed despite her request and as the defendants demanded an additional sum of Rs.10,00,000/-, the plaintiff has come forward with the suit in question.

3. While so, this being the sum and substance of the pleadings, the petitioner had come forward with the impugned application at the stage when the 2nd respondent has been partly cross examined by her. The amendment that was proposed to be introduced was to amend the sale consideration was a sum of Rs.61,00,000/- and accordingly, amend the pleadings.

4. The respondents had objected to the said amendment by stating that the petitioner is seeking to introduce a new case and that neither in her plaint nor in her evidence has she had in any point in time stated that the agreed sale consideration was a sum of Rs.61,00,000/-.

5. The learned Additional District Judge, Hosur, after hearing the



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parties and perusing the records, has dismissed the said request for amendment. Challenging the same, the petitioner is before this Court.

6. The plaintiff has come forward to file the suit O.S.No.111 of of 2009 for the following reliefs:

a) For specific performance of the sale agreement dated 11.01.2018 is registered at Shoolagiri Sub Registrar office Vide DOC.No.118/2018.

b) Directing the defendants to receive the balance sale consideration amount Rs.1,00,000/- from the plaintiff and to execute sale deed in favour of him in respect of suit property and put him in possession of the same, failing which through process of court;

(or in alternative)

c) Directing the defendants to refund the advance amount of Rs.10,00,000/-(Ten Lakhs) with 24% interest per annum to the plaintiff from the date of sale agreement to till realization; and

d) Awarding cost of the suit and;



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7. The specific pleading in paragraph Nos.3 and 5 is that the agreed sale consideration was a sum of Rs.11,00,000/- In fact, in paragraph No.5, the petitioner would go on to state that the respondents had demanded an additional sum of Rs.10,00,000/- and in all, claimed a sale consideration of Rs.21,00,000/-. It is seen from the order impugned that during her evidence as P.W1 also the plaintiff has contended that the sale consideration is a sum of Rs.11,00,000/-. That being the case, the petitioner cannot seek to introduce a new case. Therefore, the learned Additional District Judge, Hosur, has rightly rejected the application and I see no reason to interfere with the said order. Accordingly, the civil revision petition is dismissed. M.P is closed. No costs.

26.02.2025

srn

To

The Additional District Court, Hosur

P.T.ASHA.J

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