



WEB COPY



CRP No.2225 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM:

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

C.R.P.No.2225 of 2025 and CMP No.12877 of 2024

Nadarajan

.... Petitioner

vs.

1.Chinnapappa
2.Nereshkumar
3.Narmadha
4.Kannammal

.... Respondents

This petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order dated 05.02.2025 passed in I.A.No.831 of 2024 in O.S.No.93 of 2013 on the file of District Munsif, Sankarapuram.

For Petitioner : Mr.Mr.Siddarth Sridhar
For Mr.R.Bharath Kumar

For Respondents : No appearance

ORDER

The plaintiff is the revision petitioner, aggrieved by the dismissal of the application in I.A.No.831 of 2024 is taken out for amendment of the plaint under Order VI Rule 17 of Civil Procedure Code.



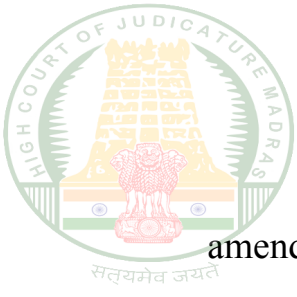
CRP No.2225 of 2025

WEB COPY

2. Heard the learned counsel for the petitioner. Despite service of notice, the respondents have not chosen to appear either in person or through Counsel. Therefore, I have proceeded to hear the learned counsel for the petitioner.

3. The specific contention of the revision petitioner is that in and by the proposed amendment, the plaintiff has only sought to exclude the extent of 53 cents, which came to be alienated by the plaintiff, pending the suit, which fact was brought to the notice of the court even by way of written statement. This factor has weighed in the mind of the trial Court to disallow the application seeking amendment of the plaint.

4. However, considering the fact that the plaintiff, having come to the Court and being *dominus litus*, the Court should have liberally considered the application for amendment, especially when the plaintiff only seeks to take away two items of property from the purview of the suit. In the fact of the present case, the Court should not have applied the ordinary and the usual test while considering an application for



CRP No.2225 of 2025

amendment. Therefore, the order of the trial court is unsustainable and liable to be set aside.

5. Accordingly, the order passed by the trial Court in I.A.No.831 of 2024 in O.S.No.93 of 2013 is set aside and the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

15.07.2025

To
The District Munsif Court, Sankarapuarm.



WEB COPY



CRP No.2225 of 2025

P.B.BALAJI,J.

SR

C.R.P.No.2225 of 2025

15.07.2025