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C.R.P.(PD) No.1197 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD) No.1197 of 2025
and CMP.No.7222 of 2025

1.Jayalakshmi
2.Jayakodi
3.Jayarani

... Petitioners / Plaintiffs

Vs.

1.Thirupathi
2.Krishnamurthi @ Krishnan
3.G.Kokila

... Respondents /
Defendants 1,3 & 4

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 21.02.2025 passed in I.A.No.17 of 2024 in O.S.No.186/2018 on the file of the Additional District Judge, Krishnagiri and allow the above civil revision petition.

For Petitioners : Mr.R.Nalliyappan



ORDER

WEB COPY Challenging the order of the learned Additional District Judge, Krishnagiri, dated 21.02.2025 in I.A.No.17 of 2024 in O.S.No.186 of 2018, the plaintiffs are the revision petitioners before this Court.

2. The brief facts which form the prelude for filing this civil revision petition, are herein below set out :

(a) The revision petitioners / plaintiffs have filed a suit in O.S.No.186/2018 for partition of their 3/6th share in the suit 'A' 'B' and 'C' schedules; to declare that the registered gift deed dated 12.09.2018, registered as Doc.No.3014/2018 executed by the first defendant in favour of the third defendant as null and void; to declare that the registered sale deeds both dated 12.09.2018, registered as Doc.Nos.Doc.No.3013/2018 and Doc.No.3678/2018 executed by the first defendant in favour of the fourth defendant as null and void; and for an injunction restraining the defendants 1,3 & 4 from alienating the suit properties.

(b) The defendants had filed their written statement, denying the contentions in the plaint and stating that the transactions which are



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sought to be set at naught are valid transactions and that the plaintiffs are not entitled to a partition.

(c) When the matter was posted for further evidence of defendants, the defendants 1, 3 and 4 have come forward to file the application in I.A.No.17 of 2024, to correct a typographical error that had crept in the 8th paragraph of the written statement, wherein they wanted to amend the amount to Rs.15,00,000/- instead of Rs.15,000/-.

(d) The plaintiffs/revision petitioners have filed their counter contending that the defendants are attempting to get the relief by changing the facts, and that apart, the present application was filed after the period of its limitation. The defendants have come forward with this application, when the matter was listed for their evidence and that the cross-examination had also commenced and the plaintiffs have cross-examined the defendants. It is also contended that if the amendment was allowed, it would result in changing the nature of the suit and therefore, they sought to have the said I.A., be dismissed.

(e) The learned Additional District Judge, Krishnagiri, after hearing the parties, had proceeded to allow the amendment. The learned



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Judge observed that the application is filed only to correct the typographical error that had crept in the written statement and does not in any manner interfere with the plaintiffs' possession and enjoyment of lands. The learned Judge also observed that the strict adherence to procedure as contemplated for amending the plaint, may not apply in the case of a written statement.

(f) Aggrieved by the said order, the plaintiffs have preferred the above civil revision petition.

3. Heard the learned counsel on either side.

4. The error which is sought to be corrected is with reference to the sale consideration in respect of the sale deed dated 12.09.2018. The sale consideration which is shown in the document is a sum of Rs.15.0 lakhs which is clear from the perusal of the plaint in paragraph No.VIII, where the plaintiffs himself has stated as follows :

"The recitals in the registered gift deed dated 12-9-2018 in the name of the 3rd defendant and the registered sale deed dated 12-9-2018 in the name of the 4th defendant that the lands



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covered under those documents were the self-acquired properties of the 1st defendant are patently false and untenable. The 4th defendant had no capacity to pay any amount much less Rs.15,00,000/- as claimed in the registered sale deed dated 12-9-2018. The alleged sale consideration amount was said to have been paid by cash to the 1st defendant by the 4th defendant. As per the laws of the land no cash amount exceeding Rs.3,00,000/- can be paid to any person in the sale transaction and any consideration amount exceeding Rs.3,00,000/- must be paid either through DD or NEFT or RTGS."

5. In the written statement in question, the defendants 1,3 & 4 have stated as follows :

"In fact the paternal uncle of the 4th defendant paid Rs.15,000/- to the 1st defendant in cash and purchased the same. Hence the said sale deed dated 12.09.2018 was supported by sale consideration. It is not correct to allege that any consideration amount exceeding Rs.3,00,000/- must be paid either through D.D or NEFT or RTGS."

6. This would clearly show that Rs.15,000/- that has been shown in the written statement is but a typographical error and the plaintiffs themselves are fully aware of the fact that the total sale consideration was Rs.15,00,000/- Therefore, the amendment is very much in order. I see no



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reasons to interfere with the order of the learned Additional District Judge,
Krishnagiri, dated 21.02.2025 in I.A.No.17 of 2024.

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7. Accordingly, the civil revision petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

26.03.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
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To:

- 1.The Additional District Judge
Krishnagiri.
- 2.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

ds

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