



CRP No.1290 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :19.06.2025

CORAM:

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

C.R.P.No.1290 of 2023 and CMP No.8660 of 2025

M.Ekambaram

.... Petitioner

VS

1.Rajaguruvammal

2.N.Satish Kumar

... Respondents

Revision filed under Article 227 of the Constitution of India against the fair and decreetal order dated 27.01.2023 in I.A.No.12 of 2021 in O.S.No.4537 of 2019 passed by XV Assistant Judge, City Civil Court, Chennai.

For Petitioner

: Ms.Chenthoori Pugazendhi

For Respondents

: Mr.N.Damodaran

ORDER

The revision is at the instance of the defendant in a suit for permanent injunction.



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WEB COPY 2. The plaintiffs took out an application, seeking amendment of the plaint, incorporating certain new reliefs and also introducing averments and allegations that were not available in the first instance. The said application was resisted by the defendant/revision petitioner herein. However, on enquiry, the trial Court allowed the application for amendment. Challenging the said order, the present revision has been preferred.

3. Heard the learned counsel for the parties.

4. Learned counsel for the petitioner/defendant would submit that the respondents/plaintiffs' original plaint is very vague and bereft of particulars and even the application filed for appointment of Advocate Commissioner came to be dismissed and the same has not been taken up on appeal or revision. Belatedly, when the suit was about to be taken up for trial, the respondents/plaintiffs have come up with an amendment application, seeking introduction of totally not only new facts but also incorrect facts which is seriously prejudicing the interest of the petitioner/defendant who has already taken a definite stand by way of filing written statement. Therefore, learned counsel prays that the order of the trial court in I.A.No.12 of 2021 may be set



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aside.

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5. Per contra, learned counsel for the respondents/plaintiffs would state that even prior to the commencement of the trial, the application for amendment has been taken up and the respondents/plaintiffs have been advised to seek larger relief of declaration of title and recovery of possession as against the original relief of permanent injunction that was alone sought for. Learned counsel further states that the trial court has rightly exercised its discretion and prays for dismissal of the revision.

6. I have carefully considered the submissions made on either side and have also gone through the order of the trial court allowing I.A.No.12 of 2021.

7. The trial Court noticing that the amendment has been sought for in view of the written statement denying title of the respondents/plaintiffs, has taken a liberal view in favour of the respondents/plaintiffs. The trial court has also placed reliance on the decision of the Hon'ble Supreme Court in **Anathula Sudhakar vs P.Buchi Reddy (dead) by LRs & Ors** reported in **2008 AIR (SC) 2033**, where the Hon'ble Supreme Court has clearly held that the Pre-trial amendments should be considered liberally.



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8. In the light of the ratio laid down by the Hon'ble Supreme Court in ***Anathula Sudhakar vs P.Buchi Reddy (dead) by LRs & Ors*** reported in **2008 AIR (SC) 2033**, I do not find any infirmity in the order passed by the trial court permitting the amendment, more so, when the petitioner/defendant will have ample opportunity to contest the amendment by way of filing additional written statement.

9. Therefore, leaving it open to the petitioner/defendant to file an additional written statement, putting forth all his objections and claims to the amendment that has been permitted by the trial court in I.A.No.12 of 2021 in O.S.No.4537 of 2019, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11. However, I am of the considered opinion that the respondents/plaintiffs have taken out the application, just prior to the commencement of the trial, causing inconvenience to the petitioner/defendant and the same has to be compensated. In order to compensate the prejudice that has been caused to the petitioner/defendant, the respondents/plaintiffs shall pay a sum of Rs.10,000/-(Rupees Ten Thousand Only) to the learned counsel for the



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revision petitioner, within a period of one week from the date of receipt of a

WEB COPY of this order.

12. Post the matter on 30.06.2025 for “Reporting Compliance”.

19.06.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

sr

To

The XV Assistant Judge, City Civil Court, Chennai



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P.B.BALAJI.,J.

SI

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