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CRP.No.1590 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

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and

C.M.P.No.9223 of 2025

Sri Ramabala Bajanai Saba
Represented by the President
Mr.A.S.Kalu,
Akoni Hamlet, Kalhatty Post,
Hullathi Revenue Village,
Ootacamund, The Nilgris

...Petitioner

Vs.

1. A.N.Rajamani
2. K.P.Samathukumar
3. Shankar

...Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and final order dated 20.11.2024 made in I.A.No.2 of 2022 in O.S.No.113 of 2020 on the file of District Munsif, Udthagamandalam.

For Petitioner : Mr.N.Damodaran

For Respondents : Mr.Ananth for Mr.T.N.Rajagopalan for R1

ORDER

The revision has been filed by the first defendant challenging the order of the trial Court permitting the amendment of the plaintiff by including the declaratory prayer with regard to sale deed executed in



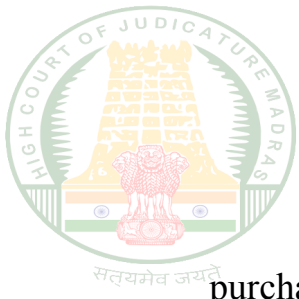
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favour of the third defendant.

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2. The learned counsel for the petitioner taking me through the affidavit filed in support of the interlocutory application in I.A.No.1 of 2022 would contend that there is absolutely no reason that has been assigned, necessitating the amendment. Further, he would state that the suit is filed only for declaration to declare the settlement deed dated 30.08.2017 as null and void and for a further declaration to declare the sale agreement dated 30.10.2017 which was also a registered document as null and void. He would also state that, the said sale agreement did not go through and the negotiations failed. However, the property has been subsequently sold to the third defendant and there is absolutely no necessity to amend the prayer to declare the sale deed in favour the third defendant as null and void.

3. No doubt, the affidavit does not contain any genuine and valid reasons for seeking amendment, however it is noted that along with I.A.No.1 of 2022 an another application in I.A.No.2 of 2022 was also filed to implead the third defendant and there is clear reference to the



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purchase of the suit property by the third defendant, pending the suit. The said impleading petition has been allowed by the trial Court, as against which the present revision petitioner did not choose to prefer any revision. Consequently the third defendant has come on record and even according to the revision petitioner, the third defendant has not even filed a written statement and he has allowed himself to remain exparte.

4. In view of the fact that the third defendant has been impleaded as proper and necessary party in the suit and the said order attained finality, I see no infirmity in the order of the trial Court permitting the plaintiff to amend the prayer seeking declaratory relief as against the third defendant's sale deed.

5. Therefore, I am not inclined to interfere with the order of the trial Court permitting amendment. Accordingly, the civil revision petition is dismissed. The first defendant shall be permitted to file an additional written statement to meet the new relief that has been introduced in the plaint. The trial Court shall grant three weeks time for the first defendant to file an additional written statement and the third defendant, if they are



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not being set exparte.

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6. In view of the declaratory relief being sought for against the third defendant, even if the third defendant has remained exparte, the trial Court shall order notice to the third defendant subsequent to the amendment being carried out. No costs. Consequently, connected miscellaneous petition is closed.

16.07.2025

RAP

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

The District Munsif, Udhagamandalam



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P.B. BALAJI, J.

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