



CRP No. 1821 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

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CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 1821 of 2025

1. N.Saradhammal
W/o Late Nagi Reddy, Sallavoor
Village, Periya Pudhur Village and Post,
Katpadi Taluk, Vellore District 632 059.

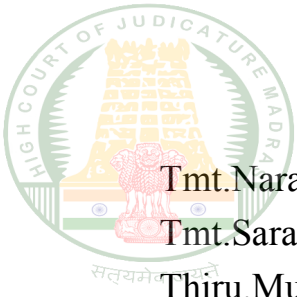
2. M.Prema
W/o Mohan, Sallavoor Village, Periya
Pudhur Village and Post, Katpadi Taluk,
Vellore District 632 059.

3. M.Vijaya
W/o Mathiyazhagan, Sallavoor Village,
Periya Pudhur Village and Post,
Katpadi Taluk, Vellore District 632 059.

Petitioner(s)

Vs

1. M.Gopal
S/o Late Munikrishna Reddy,
Sallaavoor Village, Vaduganthangal
Post, Katpadi Taluk, Vellore District.



Tmt.Narayana Ammal (died),

Tmt.Saraswathi (Died)

Thiru.Munikrishna Reddy (died) ,

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2.Thiru.M.Umapathi

S/o Late Munikrishna Reddy,

Sallaavoor Village, Vaduganthangal

Post, Katpadi Taluk, Vellore District.

3.Tmt.Chandrammal

D/o Late Munikrishna Reddy,

Sallaavoor Village, Vaduganthangal

Post, Katpadi Taluk, Vellore District.

4.Tmt.R.Savithri

D/o Late Munikrishna Reddy,

Sallaavoor Village, Vaduganthangal

Post, Katpadi Taluk, Vellore District.

5.Tmt.Mythili

D/o Late Munikrishna Reddy,

Sallaavoor Village, Vaduganthangal

Post, Katpadi Taluk, Vellore District.

6.Tmt.Vijayalakshmi

D/o Late Munikrishna Reddy,

Sallaavoor Village, Vaduganthangal

Post, Katpadi Taluk, Vellore District.

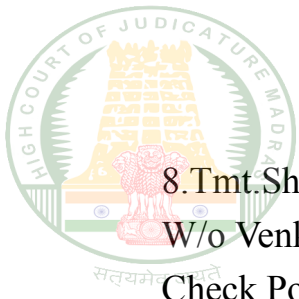
7.Tmt.P.Amudha

D/o Late Purushothaman Reddy, NO.8,

Appa Udayar Street, Periya Puthur

Village and Post, Katpadi Taluk, Vellore

District 632 059.



8.Tmt.Shanthi

W/o Venkatesan, Lakshmi Street, RTO
Check Post, Mettukulam Villge, Periya
PUthur post, Katpadi Taluk, Vellore
District.632 059.

9.Thiru.Baskaran

S/o Late Purushothama Reddy, NO.16,
Bajanai Koil Street, Periya Puthur
Village and Post, Katpadi Taluk, Vellore
District.

10.Tmt.Lakshmi Devi,

W/o Sriramulu Reddy, Kanchalur
Village, Tharapoadavedu Post, Katapadi
Taluk, Vellore District. Nagi Reddy
(died)

11.Thiru N.Pushpanathan

S/o Late Nagi Reddy, Sallavoor Village,
Periya Pudhur Village and Post,
Katpadi Taluk, Vellore District 632 059.
Govindarajulu Reddy (died)

12.Tmt.R.Rani

W/o Late Raghu, Sallavoor Village,
Periya Pudhur Village and Post,
Katpadi Taluk, Vellore District 632 059.

13.Thiru.R.Sunil

S/o late Raghu, Sallavoor Village,
Periya Pudhur Village and Post,
Katpadi Taluk, Vellore District 632 059.

14.Thiru.R.Vinodh



S/o Late Raghu, Sallavoor Village,
Periya Pudhur Village and Post,
Katpadi Taluk, Vellore District 632 059.

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15.Tmt.Lakshmi Devi
W/o Late Govindarajulu Reddy, Periya
Pudhur Village and post, Katpadi Taluk,
Vellore District 632 059.

Respondent(s)

PRAYER

This Civil Miscellaneous petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decreetal order dated 26.02.2025 passed in IA No. 4 of 2024 in IA No. 683 of 2015 in OS No. 312 of 1986 on the file of Sub Court, Katpadi, Vellore District.

For Petitioner(s): Mr.T.R.Rajagopalan, senior
counsel for D.Chitra Maragatham

For Respondent(s): Mr.V.Raghavachari, Senior
Counsel for M/s.V.Srimathi for
R1
:No appearance for RR2 to 15.



ORDER

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Heard Mr.T.R.Rajagopalan, learned senior counsel appearing for the petitioner and Mr.V.Raghavachari, learned Senior Counsel appearing for the contesting first respondent.

2.The revision petitioners have come up by way of this revision petition challenging the order allowing amendment of the application for final decree in and whereby the petitioners have been permitted to delete certain items and also amend certain items by changing the survey numbers as well as the extents.

3.The contention of Mr.T.R.Rajagopalan, learned senior counsel, is that without there being a preliminary decree in respect of the newly amended survey numbers, there cannot be final decree proceedings. Therefore, he states that the order permitting amendment is perverse and liable to be set aside.

4.Per contra, Mr.V.Raghavachari, learned Senior Counsel appearing for the contesting first respondent/plaintiff, would submit that the suit was filed way back in the year 1986 and there is no dispute with regard to the identity of the properties and therefore, no prejudice would be caused to the revision



petitioners, if the amendment ordered by the trial court is given effect to and the final decree proceedings are continued from the stage at which they were left.

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5. have carefully considered the submissions advanced by the learned senior counsels on either side.

6. The amendments that are sought for in the final decree applications are as follows:

“1. In the 1st item of the petition mentioned property the first serial number namely Dry.S.No.114/8A2 may be deleted and insert as S.No.119/8A2.

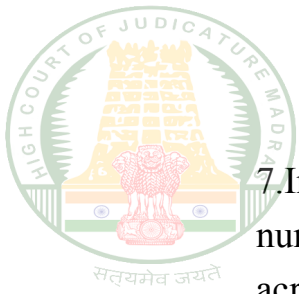
2. In the 1st item of the petition mentioned property the fifth serial number namely Dry.S.No.149/3-Extent 2.00 acre may be deleted.

3. In the 1st item of the petition mentioned property the eighth serial number namely Dry.S.No.122/14 may be deleted and insert as S.No.122/1C1.

4. In the 1st item of the petition mentioned property the 13th serial number namely Dry.S.No.169/5B may be deleted and insert as S.No.168/5B.

5. In the 1st item of the petition mentioned property the 14th serial number namely Dry.S.No.1222/1B1 may be deleted and insert as S.No.122/1B1B.

6. In the 2nd item of the petition mentioned property the first two serial numbers namely Dry.S.No.177/1-extent 2.03 acre and Dry.S.No.177/1-extent 2.03 acre may be deleted.



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7. In the 2nd item of the petition mentioned property the third serial number namely Dry.S.No.138/2A-extent 1.71 acre the extent 1.71 acre may be deleted and insert extent 0.85 ½ acre.

8. In the 2nd item of the petition mentioned property the fourth serial number namely Dry.S.No.187/1-extent 1.64 acre may be deleted. ”

7. Out of the above, it is seen that some of the items are sought to be deleted and new survey numbers and extents are sought to be inserted. With regard to the deleted items, there is no serious objection on the side of the revision petitioners. It is only with regard to the insertion of new survey numbers with corresponding extents which has been objected to on the ground that there is no preliminary decree passed in respect of these items of property.

8. I find force in the submission of Mr.T.R.Rajagopalan, learned senior counsel since the petitioners did not have any opportunity to state their case with regard to the amended survey numbers, I deem it fit to dispose of the revision in the following manner:

- (i) the order passed by the Sub Judge, Katpadi, Vellore in [I.A.No.4/24](#) is not interfered with and, insofar as the other items of property which are the subject matter of the final



decree proceedings and not subject matter of the amendments,
the proceedings shall go on independently.

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(ii) in respect of the properties where amendment is sought, the first respondent shall move an application seeking modification of the preliminary decree and the trial court shall enquire into the same, after affording a fair opportunity to the revision petitioners and decide whether these properties are also available for partition, and if found so, it is open to the first respondent as well as the revision petitioners to proceed with the final decree application insofar as these properties as well.

(iii) The trial Court shall dispose of any application filed by the first respondent seeking modification of the preliminary decree within a period of eight weeks from the date of filing of the said application, after affording an opportunity to the revision petitioners to contest the said modification application. Subject to the orders passed in the modification application, the final decree proceedings shall also be taken up expeditiously and



disposed of within a period of six months.

WEB CO (iv) There shall be no order as to costs.

19-08-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Sub Judge, Katpadi, Vellore.

1.M.Gopal

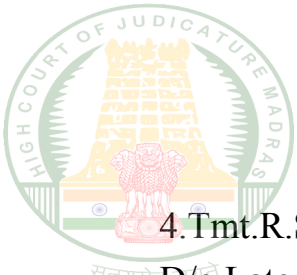
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15. Tmt. Lakshmi Devi
W/o Late Govindarajulu Reddy, Periya
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