



C.R.P.No.2261 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 15.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.2261 of 2025

R.Mohan
(Deceased 1st Petitioner in
I.A.SR.No.29639 of 2024)

1.Lalitha
2.Prasanth
3.Prakash

4.R.Babu

... Petitioners

Vs.

R.Alamedu
(Deceased 1st respondent in I.A.SR.No.29639 of 2024)

1.I.Lakshmi

Usha Sivaramakrishnan

(Deceased 3rd respondent in I.A.SR.No.29639 of 2024)

2.N.S.Krishnan

3.Vidhya

4.Magesh

Geetha Krishnamoorthy

(Deceased 4th respondent in I.A.SR.No.29639 of 2024)

5.K.Sathish

6.K.Archana

... Respondents

(Cause title accepted vide Court Order dated 02.06.2025 made in
CMP.No.10265 of 2025 in CRP.SR.No.54220 of 2025 by NSKJ)

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 05.11.2024 made in I.A.SR.No.29639 of 2024 in O.S.No.6535 of 2000 on the file of the IV Additional City Civil Court, Chennai

For Petitioners : Mr.A.K.Sriram, Senior Counsel



WEB COPY



C.R.P.No.2261 of 2025

For Respondents : for M/s.A.S.Kailasam and Associates
Mr.C.Santosh Kumar

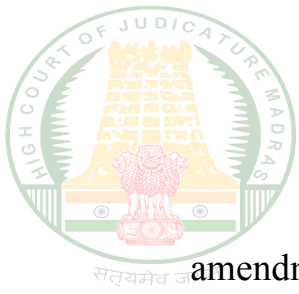
ORDER

Challenging the order passed on the file of the IV Additional City Civil Court, Chennai dismissing the application in I.A.SR.No.29639 of 2024 in O.S.No.6535 of 2000, the present revision has been filed.

2. The following facts are necessary for disposal of this revision:

2.a.The suit has been originally filed for partition in respect of property bearing Door No.3, Deivasigamani Road, Lakshmipuram, Royapettah, Chennai – 600 014 measuring 1009 sq.ft., (North by Deivasigamani Road, East 6 passage, West by No.4, Deivasigamani Road, South by No.2 Deivasigamani Road).

2.b. It is relevant to note that the suit was originally filed by the plaintiffs against brothers and sisters which resulted in a compromise and a compromise decree was passed on 19.10.2000. Now, the application is taken out by the revision petitioner to amend the compromise petition as well as the compromise decree to include O.S.No, Re-Survey No comprised in Collector's Certificate No.879 pertaining the subject property. This



C.R.P.No.2261 of 2025

WEB COPY

amendment is sought to be made pursuant to the details found in the original sale deed. However, the Trial Court had dismissed the application in SR Stage itself. Hence, this revision.

3. The learned senior counsel for the petitioner submitted that the Trial Court had dismissed the application on wrong assumption that larger extent is sought to be introduced by way of amendment, in fact, the entire extent is only 1009 sq.ft., the amendment is sought only in respect of proper survey number as per the original sale deed. Therefore, the order of the Trial Court is not proper. Hence, seeks for allowing this revision.

4. Mr.C.Santhosh Kumar, learned counsel took notice for the respondents and submitted that there was no increase in the extent and the extent available is only 1009 sq.ft., what was sought to be amended is only the correct survey number including Old Survey number, resurvey number comprised in Collector Certificate was sought to be amended and there was no change. Hence, submitted that the respondents have no objection in allowing this application.

5. Heard both sides and perused the materials placed on record.



C.R.P.No.2261 of 2025

WEB COPY

6. A compromise was entered in between the parties in the suit which is the basis for the compromise decree. Now, an application has been filed for amendment. Originally in the application, all the parties in the suit were arrayed as parties. Now, it appears that the first petitioner, R1, R3 & R4 had died and the legal heirs have been impleaded. Be that as it may, this issue arises in this revision is whether the order of the Trial Court is proper?

7. The Trial Court, in fact, is of the view that by amending the correct survey number, the petitioner has sought to introduce larger extent of land measuring 2520 sq.ft., instead of 1009 sq.ft., The suit itself is filed for partition only in respect of 1009 sq.tft., and necessary pleadings are also made in the plaint to the effect that out of the original extent of 2520 sq.ft., after sale of the property only 1009 sq.ft., alone is available. Such being the position, merely amending the correct S.No, R.S.No as per the revenue records namely Collector Certificate in respect of particular plot in view of this Court will not amount to introducing of larger extent. All the parties in tandem agree that only an extent of 1009 sq.ft., is available in that particular survey number, the question of introducing the larger extent does not arise at



C.R.P.No.2261 of 2025

WEB COPY

all. Therefore, any mistake said to have crept in the compromise decree due to the inadvertence mistakes of parties and when the said mistakes are not at dispute; this Court is of the view that with regard to such amendment, amendment can be allowed and no prejudice would be caused to anyone.

8. Such view of the matter, the impugned order dated 05.11.2024 is liable to be set aside and the same is set aside. In light of the discussions made in this revision, the Trial Court is directed to number the application and amend the compromise decree dated 19.10.2000 passed in O.S.No.6535/2000 as well as the compromise petition, if any filed.

9. Accordingly, this revision stands allowed. No costs.

15.07.2025

dhk

Internet : Yes

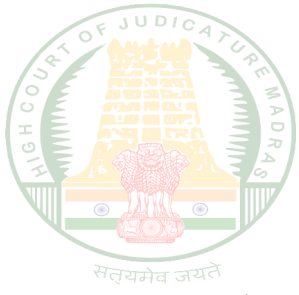
Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

Page 5 of 7



C.R.P.No.2261 of 2025

WEB COPY

1. The IV Additional City Civil Court,
Chennai

2. The Section Officer,
VR Section,
High Court, Madras.

N. SATHISH KUMAR, J.



WEB COPY



C.R.P.No.2261 of 2025

dhk

C.R.P.No.2261 of 2025

15.07.2025