



WEB COPY



A. No.3519 of 2025

in

C.S. No.153 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

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in

C.S. No.153 of 2023

1. R. Lakshmi Pavithra D/o. P. Ranganatha Reddy
W/o. R. Vinoth

2. Anu Narendran D/o. P. Ranganatha Reddy
W/o. M. Narendran

3. R. Malarvizhi W/o. P. Ranganatha Reddy ... Applicants / Plaintiffs

vs.

1.P. Ranganatha Reddy S/o. Late Narayana Swamy Reddy

2. P. Doraiswamy S/o. Late P.R. Narayanasamy Reddy

3. P.B. Ramamoorthy S/o. Late P.R. Balarama Reddy

4. P.B. Rajendran S/o. Late P.R. Balarama Reddy

[2 to 4 defendants impleaded vide order dated 11.07.2024

in A Nos.3186 and 3187 of 2024]

... Respondents /

Defendants

PRAYER: Application filed under Order XIV, Rule 8 of Original Side Rules

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read with Order VII Rule 17 and 18 of Civil Procedure Code pryaing to

amend the plaint.

For Applicants : Mr. K.V. Bala for
M/s. R. Priyanka

For Respondents :

R1 : Mr. N.C. Ashok Kumar

R2 to R4 : Mr. P.J. Rishikesh

ORDER

This application has been filed by the petitioner to amend plaint.

2. According to the applicants, they are the Plaintiffs in the main Suit and they filed the Suit for partition of their 1/3 share and separate possession.

In fact, the Suit was referred for mediation. At that time, the parties were asked to produce the list of ancestral properties held and managed by the 1st respondent. At that time only, the Plaintiffs became aware of further ancestral

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property besides Suit properties in the name of the respondent and his late

father Mr. Narayana Swamy Reddy in Survey Nos.92/3, 93/3/ 35/4, 103/3,

94/3, 103/13, 91/2A, 41/3B1, 174/14B measuring an extent of 3 acres

approximately, situated at Kolathur Village, Pallipet Taluk, Tiruvallur District.

The applicants 1 and 2 had sent Protest petitions to the Pallipet Sub Registrar

and District Registrar of Tiruvallur listing all ancestral properties. Despite

receipt of the same, the Registrars allowed the sale of Item II of the Schedule

property, Kolathur Mango Garden comprising of 6 acres bearing Survey

No.41/3B to one Mr. E. Sreenivasulu and Mrs. Chandrakala through Sale

Deed dated 28.09.2022. The applicants apprehended alienation of the

ancestral properties by the respondents herein at the time of filing of the Suit

and subsequently came to know about the aforesaid alienation only after the

filing of the Suit. However, as on date, since 3rd party rights have accrued,

the 1st and 2nd applicants herein are entitled to receive their respective 1/3rd

share from the sale consideration as compensation in the event of conclusion



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of this Court that the dealing of the property without consent of applicants 1 and 2 is incorrect. The respondents also held 1/2 share in the First Floor being 1/4 share in Item 1 of Suit Schedule property. Despite the applicant's protest petitions dated 28.07.2022, the respondents maliciously executed a Settlement Deed dated 09.12.2022 in respect of the property in favour of his brother Mr. Doraisamy. The said facts have already been brought to the knowledge of the Court through the Complaint and also the applicants had sought for relief of the Court to seek declaration against the Settlement Deed dated 09.12.2022 as null and void and another application has been preferred along with the instant petition to receive additional documents. Therefore, in the light of the above said developments, the applicants have preferred the application to amend the Complaint.

3. The respondents have filed a counter by denying the averments of



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the petition. The Suit itself is not legally maintainable. As far as the Item

No.I of the Plaint Schedule property is concerned, since the respondents 3 and

4 are the lawful owners of the ground floor premises with half undivided

share in the land as on the date of the above Suit, without even impleading the

respondents 3 and 4 in the main Suit, the status quo order was obtained. Due

to that order, the proposed development and construction of new individual

Flats have come to a standstill resulting in huge financial losses to the

respondents. The applicants have no legal right whatsoever in the Item-I of

the Suit property after the execution of the Settlement Deed dated 09.12.2022

by the 1st respondent / 1st defendant in favour of the 2nd respondent. The

said P. Doraiswamy along with 3rd and 4th respondents are the owners of the

entire premises. The documents sought to be received are noway connected

to the said property. The Item No.I of the property was jointly purchased by

the defendants 1 and 2 in the year 1975. The 1st respondent along with the

2nd respondent have jointly mortgaged the Original Title Deed with South



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Indian Bank and the same was subsequently cancelled and discharged on 21.11.2022. The above said fact is also admitted by the applicant. Now, the applicants have unlawfully inclined to include Survey No.91/2A belonging to the 2nd respondent, which was settled by her mother through Settlement Deed dated 06.08.2015. Therefore, there is no reason for seeking amendment and to condone delay in producing the documents filed along with the petition are no way relevant to decide the case. Further, the amendment will introduce new cause of action and would alter the nature and character of the Suit and therefore, strongly objected to allow this application. Therefore, the application is liable to be dismissed.

4. Heard both sides and perused the entire materials.

5. The applicants have filed this application to amend the Plaint for amending Paragraph 12, to insert 12a and 12b after Paragraph 12 and also to

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amend paragraph 16 in respect of valuation and also to include prayers in

respect of the declaration of Settlement Deed dated 19.12.2022 and Item VI

after Item V. According to the applicants, the main Suit has been filed by the

applicants / Plaintiffs for partition. They already pleaded in the Plaint and

also filed an application in A. No.4128 of 2023 under Order II Rule 2 of Civil

Procedure Code to grant leave of the Court to seek declaration to declare the

Settlement Deed dated 09.12.2022 at relevant point of time and the said

petition is pending. Therefore, now they want to include the prayer in respect

of the above said Settlement Deed dated 09.12.2022 and further, during the

pendency of the Suit, they came to know that the defendants have sold Item-II

of the schedule situated at Kolathur Village, Pallipet Taluk, Tiruvallur District

measuring an extent of 3 acres and they came to know that another ancestral

property registered in the name of the 1st defendant and his late father in

Kolathur Village, Pallipet Taluk, Tiruvallur District in Survey Nos.92/3, 93/3,

35/4, 103/3, 94/3, 103/13, 91/2A, 41/3B1 and 174/14B and therefore, the said



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properties have to be included in the Suit.

6. Though the respondents have strongly objected to amend the Plaint on the ground that the amendment will introduce new cause of action and the properties are not joint family properties and those properties are absolute properties of the respondents, in order to avoid multiplicity of proceedings and for effective disposal of the Suit, considering the fact that so far trial has not been commenced and also the applicants have also reserved their right to file an application under Order II Rule 2 of Code of Civil Procedure in A. No.4128 of 2023 seeking permission of the Court to raise prayers for declaration in respect of the Settlement Deed within the limitation period and the same is also pending and the inclusion of new prayers is within the limitation period, it is appropriate to allow this application and if the application is not allowed, the applicants will be put to irreparable loss and hardship and at the same time, by allowing this application, no prejudice



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would be caused to the other side.

8. Therefore, this application is *allowed*. There shall be no order as to costs.

9. To carry out amendment and for filing APC, post the matter on **18.11.2025.**

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