



C.R.P.Nos.2230 & 2231 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09..07..2025

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.R.P.Nos.2230 & 2231 of 2020

Jeevarathinam

..... Petitioner

-Versus-

1. T.Vijayan (Died)
2. Devi
3. Minor. Vidhyashree  
Minor Rep. by her Guardian / Next Friend  
Father Vijayan
4. Minor. Saaruhasni  
Minor Rep. by her Guardian / Next Friend  
Father Vijayan
5. Minor. Gobi Shanmuganandan  
Minor Rep. by her Guardian / Next Friend  
Father Vijayan
6. T. Rani

[6<sup>th</sup> respondent brought on record as legal representative of the deceased 1<sup>st</sup> respondent T. Vijayan by order dated 21.06.2023 made in C.M.P.Nos.9524 & 9526 of 2022 in C.R.P.No.2230 of 2020 & 2231 of 2020]

.... Respondents

**Prayer in C.R.P.No.2230 of 2020:** Petition filed under Article 227 of the Constitution of India, praying to set aside the order and decretal order dated 21.08.2020 made in unnumbered I.A.SR No.....in O.S.No.314 of 2013 on the file of the learned III Additional District Judge, Salem, Salem District.



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**Prayer in C.R.P.No.2231 of 2020:** Petition filed under Article 227 of the Constitution of India, praying to set aside the order and decretal order dated 21.08.2020 made in unnumbered I.A.SR No.....in O.S.No.314 of 2013 on the file of the learned III Additional District Judge, Salem, Salem District.

*For Petitioner : Mr.I.M.Siddartha Ramarajan  
for petitioner in both CRPs*

*For Respondent(s) : Mr.Mr.P.Jagadeesan for RR2 to  
6 in both CRPs  
R1 in both CRPs died*

### **COMMON ORDER**

These Civil Revision Petitions have been filed challenging the orders dated 21.08.2020 passed by the learned III Additional District Judge, Salem, whereby the applications filed by the 2nd plaintiff, one under Order VI Rule 17 CPC for amendment of the plaint, and the other under Sections 152 and 153 CPC for amendment of the decree, were dismissed. The applications sought correction of the measurements of the suit schedule property in O.S.No.314 of 2013, after the decree had been passed.

2. The suit, which was filed for a decree of specific performance, was decreed ex parte on 08.12.2015. While the revision petitioner/decreed-holder was preparing to initiate execution proceedings, it was found that there was an error in the measurements pertaining to the western boundary. Consequently,



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the plaintiff had to file two separate applications, one seeking amendment of the schedule of property in the plaint, and the other seeking a corresponding amendment in the decree, specifically with respect to the measurements of the suit property.

3. According to the revision petitioner, the error came to his notice only while preparing the execution petition, wherein the measurement was wrongly stated as “23 ½ feet on the western side” instead of the correct extent of “53 ½ feet on the western side.

4. The trial court dismissed both applications. Hence, the present Civil Revision Petitions have been filed.

5. The trial court dismissed both applications. Hence, the present Civil Revision Petitions have been filed.

6. Heard both sides.

7. It is now brought to the notice of this Court by the learned counsel for the respondents 2 to 6 that the ex parte decree passed in the suit has already been set aside by the judgment and decree of this Court dated 02.12.2024 made in C.M.A.No.1521 of 2020 filed against the order and decretal order dated 09.01.2020 made in I.A.No.392 of 2019 in O.S.No.314 of 2013. The relevant portion of the said judgment reads as follows:

*“10. Accordingly, the fair and decretal order*



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*dated 09.01.2020 passed in I.A.No.392 of 2019 in O.S.No.314 of 2013 on the file fo the III Additional District Judge, Salem, is set aside and the Trial Court is directed to restore the suit in O.S.No.314 of 2013 on file and allow the parties to let in evidence and thereafter, dispose of the suit in O.S.No.314 of 2013, as expeditiously as possible.”*

8. In view of the above, this Court is of the opinion that nothing survives for adjudication in these Civil Revision Petitions. However, liberty is granted to the revision petitioner to file a fresh application in the pending suit seeking amendment with respect to the measurement of the suit schedule property. If such an application is filed, the trial court shall consider and decide the same on its own merits and in accordance with law, after affording an opportunity of hearing to both parties.

With the above directions and observations, the Civil Revision Petitions are dismissed. No costs.

Index : yes / no

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Neutral Citation : yes / no

kmk

To

1.The III Additional District Judge, Salem, Salem District.

N.SATHISH KUMAR.J.,

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