



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 22-09-2025**

CORAM

**THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**CRP No. 2570 of 2023**

Umamaheswari  
W/o.Manivannan  
Flat No.67/A, Alamelu Mangai Salai  
Chinnaiyan Nagar,  
Sevilimedu,Kanchipuram,  
Kanchipuram District

Petitioner(s)

Vs

Rajesh  
S/o.Gnanaprakasam  
No.39, First Apartment  
Sheeradi Saibaba Nagar  
Poonthamalli, Chennai.

Respondent(s)

**PRAYER** : Civil Revision Petition filed under Art.227 of the Constitution of India praying to set aside the Fair and Decretal Order dated 02.06.2023 made in I.A.No.46 of 2023 in O.S.No.26 of 2019 on the file of the I Additional District Munsif Court, Vridhachalam by allowing this Civil Revision Petition.

For Petitioner : Mr.C.Munussamy

For Respondent : No Appearance

**ORDER**

This Civil Revision Petition is filed challenging the order dated 02.06.2023 passed in I.A.No.46 of 2023 in O.S.No.26 of 2019 on the file of



the I Additional District Munsif Court, Vridhachalam.

2. The unsuccessful plaintiff has filed a plaint in O.S.No.26 of 2019 for declaration and permanent injunction. The defendant has filed his written statement, and necessary issues have been framed. Both side evidence were completed and the case was posted for arguments. The plaintiff's side argument was also heard in part, however, when the suit was pending for continuation of arguments on the plaintiff's side, the plaintiff filed an application in I.A.No.46 of 2023 in O.S.No.26 of 2019 under Order VI Rule 17, 18 of CPC., to amend the plaint as stated in the petition.

3. The defendant has filed objections. Upon hearing both sides, the Court below, vide order dated 02.06.2023, dismissed the application on the ground that the defendant in his written statement itself has taken a stand that A B pipeline is situated above the ground level and permitting the plaintiff at this stage to amend the plaint would certainly alter the nature of the suit. Aggrieved over the same, the plaintiff has preferred the present Civil Revision Petition.

4. The learned counsel for the Revision Petitioner would submit that the Revision Petitioner's father fixed a North South 20 feet pipeline 3 feet above the ground level which has been shown as A B in the plaint. He had been



taking water from 12 ½ HP motor in survey No.55/3B with an electricity service connection and through B C D E pipeline fixed 3 feet underneath the ground, thereby irrigating his land for his cultivation. Thereafter, a partition was effected among the parties. The pipelines were fixed underneath the ground, while ABCDE pipeline was fixed four feet above the ground. Since the area was hard surface, it was not possible to fix the pipeline underneath the ground. He further submitted that the Revision Petitioner irrigated the land through this pipeline after his father. Thus, the discrepancies that occurred inadvertently in the suit schedule property must be amended to avoid complications while executing the decree in the event of the suit being decreed.

5. The learned counsel appearing for the revision petitioner in order to strengthen his contention, he has relied upon the judgment of the Hon'ble Supreme Court in **Varun Pahwa Vs Mrs.Renu Chaudhary, reported in 2019 SC 228.**

6. In spite of notice being served on the respondent, the respondent has not chosen to appear either through counsel or in person before this Court.

7. It is seen from the records that when the case was at the stage of completion of evidence on either side, arguments were heard in part on the plaintiff's side, and the case was posted for the continuation of arguments. At



this stage, the plaintiff has chosen to file an application in I.A.No.46 of 2025 under Order VI Rule 17, 18 of CPC, to amend the plaint as stated in the petition. It is seen from the written statement filed by the defendant that the defendant has specifically taken a stand that A B pipeline was situated above the ground level. There is no specific reason stated in the affidavit filed by the revision petitioner before the Court below regarding why he did not take any steps to amend the plaint at earlier point of time. It is a well settled principle that amendment should be considered liberally at the trial stage. Such amendment is necessary for the purpose of determining the grave questions in controversy between the parties. However, after the commencement of the trial, the application for amendment can be considered unless the parties satisfy the Court that despite due diligence, he could not raise that issue for amendment. However, in the instant case on hand, the plaintiff has sought an amendment only after the completion of evidence on either side at the stage of arguments. The revision petitioner is unable to explain the fact that despite his due diligence, he could not file an application for amendment at the appropriate stage. There is no reason warranting interference with the impugned order passed by the trial Court. The petition is devoid of merits.

8. Accordingly, this Civil Revision Petition is dismissed. No costs.

drl  
Index: Yes/No

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Internet: Yes

To

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The I Additional District Munsif  
Court,  
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**M. JOTHIRAMAN, J.**

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