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CRP.Nos.2898 & 2899 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.Nos.2898 & 2899 of 2023

P.Nallasivam

.. Petitioner in both CRPs

Versus

1.N.Kesavan

2.Subbathal

3.Padmavathi

.. Respondents in both CRPs

Prayer in CRP.No.2898 of 2023:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.175 of 2021 in O.S.No.112 of 2018 dated 11.04.2023 on the file of the learned Principal District Judge, Erode.

Prayer in CRP.No.2899 of 2023:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.175 of 2021 in O.S.No.112 of 2018 dated 11.04.2023 on the file of the learned Principal District Judge, Erode.

In both CRPs

For Petitioner : Mr.C.Ramaraj

COMMON ORDER

Challenge has been made to the common order passed by the learned Principal District Judge, Erode dismissing the applications filed under I.A.No.175 of 2021 and I.A.No.176 of 2021 by the plaintiff permitting the amend the plaint in the above suit and permitting to amend the compromise petition in the above suit respectively, the present revisions have been filed.



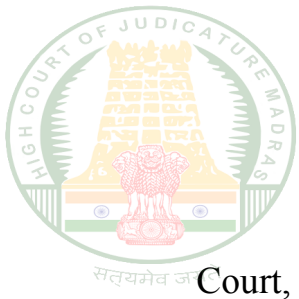
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2. It is the case of the petitioner that the plaintiff/petitioner has filed the above suit for partition and that during the pendency of the suit, the parties had entered into a compromise, that therefore, a compromise petition had filed before the Trial Court and a compromise final decree was passed on 24.04.2018. It is the grievance of the petitioner that there are some errors both in the plaint and in the compromise petition, hence, filed the applications in I.A.No.175 of 2021 for amending the plaint and I.A.No.176 of 2021 for amending the compromise petition. The Trial Court dismissed the applications vide common order dated 11.04.2023 relying on the judgment of this Court in the case of Pappathi vs. The Chairman, State Legal Services Authority and 3 others made in WP.No.34025 of 2018 dated 22.03.2022. Challenging the common order, the present revisions are filed.

3. It is the contention of the learned counsel for the petitioner that the other side had made an endorsement of no objection in both the application for rectifying the mistakes, since, it is only bonafide typographical mistakes. Hence, seeks for corrections.

4. In view of the objections made in the application before the Trial



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Court, this Court directed the parties to be present before this Court.

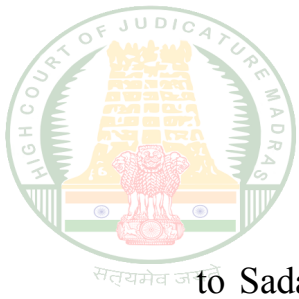
Therefore, except the third defendant, the plaintiff and the defendants 1 and 2 in the suit in O.S.No.112 of 2018 are present before this Court and they are identified by the learned counsel for the petitioner. It is brought to the notice of this Court that the third defendant had died, since, no immovable properties were allotted and only monetary consideration was passed on to her, this Court is of the view that her legal heirs are also not necessary.

5. The plaintiff/petitioner had stated the following mistakes are krept in the plaint and compromise petition:

i. In the suit “A” schedule property in 6th item, the north south cart track running in **R.S.No.649/1 of Kollankoil Village** was wrongly typed as S.No.640/1 of Kollankoil Village.

ii. In the suit “C” schedule property in 1st item, the properties in R.S.No.1111/6 is admeasuring **Punjai Hectare 0.07.75** due to oversight, the said extent wrongly typed as Punjai hectare 0.77.5.

iii. The suit “B” schedule property 15th item “Punjai Hectare 0.33.30” has to be removed and to be typed as “**Punjai hectare 0.64.5**”. Further, in continuation “in this southern part” to be removed and add “**in this property**”. In the same item schedule boundary “RSF.No.1145/3, belongs



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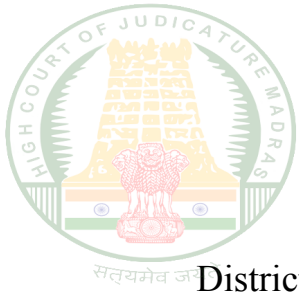
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to SadayappaGounder”, has to be removed and to add “**Sivashanmugam and Pragaspathi**” and in the northern boundary particulars “in the northern side” has to be removed and to add “**within this punjai acre 0.74.60**” and in the 15th item last to add “**Now the said property is within new sub division at Natham RSF.No.1145/3, Punjai hectare 0.30.20.**”

6. The respondents/defendants submitted that they have no objection in carrying out the necessary amendments in the plaint as well as the compromise petition.

7. In view of the above, since, the mistakes are typographical errors and the defendants have no objections in making the above amendments, though the Hon'ble Supreme Court in the case of *Compack Enterprises India Private Limited v. Beant Singh* reported in (2021) 3 SCC 702, has held that the Constitutional Court, in exercise of its inherent power, may unilaterally rectify a consent decree suffering from clerical or arithmetical errors, as the final decree has been passed, this Court is of the view that the trial Court shall make the necessary amendments in the final decree itself.

8. Accordingly, the common order passed by the learned Principal



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District Judge, Erode in I.A.Nos.175 & 176 of 2021, is set aside and the parties are directed to appear before the trial Court and file an affidavit before the trial Court in this regard and based on the same, the trial Court shall pass orders. Such an exercise shall be completed within a period of two months from the date of receipt of a copy of the order.

9. In view of the above, these revisions stand allowed. No costs.

23.06.2025

dhk

Internet : Yes
Speaking order / Nonspeaking order
Neutral Citation : Yes/No
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N.SATHISH KUMAR, J.

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To

1. The Principal District Judge, Erode



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2. The Section Officer
VR Section, Madras High Court

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