



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.3390 of 2024
& CMP.No.18281 of 2024

Srinivasan

... Petitioner

Vs.

Velusamy

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and final order dated 28.06.2024 made in I.A.No.10 of 2024 in O.S.No.235 of 2014 on the file of the District Munsif Court, Avinashi.

For Petitioner : Mr.V.Anandhamoorthy

For Respondent : Mr.R.Chellamuthu

ORDER

This revision is at the instance of the defendant, whose application seeking amendment of the written statement, has been rejected by the Trial Court.

2.I have heard Mr.V.Anandhamoorthy, learned counsel for the



petitioner and Mr.R.Chellamuthu, learned counsel for the respondent.

WEB COPY

3.The learned counsel for the petitioner would submit that only in view of the plaint averments and allegations, the amendment was necessitated to the written statement. He would further submit that the petitioner claimed that he is the absolute owner of the entire suit property and now he only wants to restrict it to a common half share in SF.No.156/1 and SF.No.91. He would therefore state that no prejudice would be caused to the respondent, if the amendment of the written statement is ordered.

4.Per contra, the learned counsel for the respondent/plaintiff would state that the amendment application has been taken out after trial has commenced in the suit. He would invite my attention to the order of the Trial Court where several dates on which the case has been listed for hearing in the part heard stage, giving opportunities to the petitioner/defendant to lead evidence and despite the same, the petitioner, at the stage of letting in evidence on the side of the defendant, has come forward with the application seeking to amend the written statement, giving a total go by to the original stand taken in the written statement. He would



WEB COPY

further submit that the Trial Court has rightly exercised discretion and taking note of the proviso to Order VI Rule 17 of CPC, has dismissed the application and the said order does not require interference.

5.I have carefully considered the submissions made by the learned counsel on either side.

6.In the application filed for seeking amendment of the written statement, the petitioner/defendatn has merely stated that several inadvertent mistakes and wrong details have been incorporated in the written statement and casually it is stated that the petitioner has come to know about the said mistakes 'only now' and therefore, amendment was necessitated. The said application was resisted by the respondent/plaintiff by filing a counter stating that the suit is already in a part heard stage and the case is listed for evidence on the side of the defendant and therefore, without any valid reasons assigned for amendment of the written statement, such amendment cannot be permitted.

7.Order VI Rule 17 of CPC is extracted hereunder for easy reference:



WEB COPY



“17.Amendment of pleadings.- The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.”

8.The Hon'ble Supreme Court as well as this Court has time and again held that pre-trial amendments have to be liberally considered. However, when it is a post trial amendment, unless the Court is satisfied that the party seeking amendment has not been able to raise the matter before commencement of trial despite due diligence, then the amendment should not be ordered. In the present case, I have already seen from the affidavit in support of the application seeking amendment of the written statement that there is absolutely no sufficient reason set out for not having brought up the amendment application before commencement of the trial and that despite due diligence, the defendant could not file the application for amendment. The Trial Court has also rightly discussed these legal issues and proceeded to dismiss the application. I do not find any error, perversity and infirmity in the order of the Trial Court.

9.In view of the above, the Civil Revision Petition is dismissed.



However, there shall be no order as to costs. Connected Civil Miscellaneous

Petition is closed.

WEB COPY

17.06.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

ata

To

The District Munsif Court, Avinashi.

P.B. BALAJI,J.

5/6



WEB COPY



ata

CRP.No.3390 of 2024
& CMP.No.18281 of 2024

17.06.2025