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CRP.No.3069 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M. JOTHIRAMAN

CRP.No.3069 of 2025

Sarojiniammal

... Petitioner

Versus

1. T. Porumainathan,
2. Sumathiammal

... Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order and petition in I.A. SR. No.1408 of 2025 dated 02.06.2025 in O.S. No.145 of 2015 passed by the Principal Subordinate Judge, Kancheepuram and consequently, direct the Principal Subordinate Judge, to number and dispose the I.A. SR. No.1408 of 2025 in O.S. No.145 of 2015 on merit and pass such orders accordingly.

For Petitioner : Mr.S.P. Sudalaiyandi

For Respondents : Mr. V. Manisekaran



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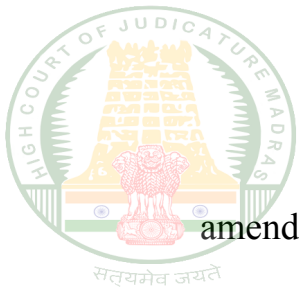
ORDER

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The Civil Revision Petition has been filed to set aside the docket order and petition in I.A. SR. No.1408 of 2025 dated 02.06.2025 in O.S. No.145 of 2015 passed by the Principal Subordinate Judge, Kancheepuram and consequently, direct the Principal Subordinate Judge, to number and dispose the I.A. SR. No.1408 of 2025 in O.S. No.145 of 2015 on merit and pass such orders accordingly.

2. The facts of the case is as follows:

The petitioner herein is the plaintiff who has filed the suit in O.S.No.145 of 2015 seeking for partition. The respondents herein are the defendants who have filed written statement and necessary issues have been framed in the aforesaid suit. In the meanwhile, the plaintiff has filed I.A. No.1 of 2023 in O.S. No.145 of 2015 to amend the plaint with regard to the schedule of property which was allowed by order dated 31.07.2024 of the Court below. Thereafter, it was posted for special list. At this stage, the plaintiff has filed another application in IA SR No.1408 of 2025 under Section 148 R/W with Section 151 CPC seeking for extension of time to



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amend the plaint as per the order passed in I.A. No.1 of 2023. However, unnumbered application has been returned stating that the case was posted for special list on 02.06.2025. Aggrieved over the above, the plaintiff/petitioner herein has preferred the present Civil Revision Petition.

3. Heard both sides.

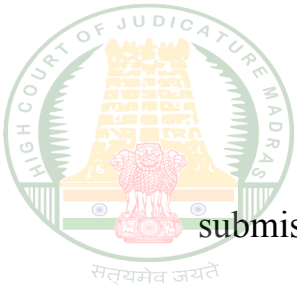
4.The learned counsel for the petitioner would submit that it is only an consequential amendment. The Trial Court by order dated 31.07.2024 has already allowed to amend the plaint in I.A. No.1 of 2023. Since the learned counsel for the petitioner appearing before the Court below, has not carry out the amendment, he has sought for extension of time to carry out the amendment in the plaint by taking out application in IA SR No.1408 of 2025 which has been returned by the Court below. If the amendment petition is not allowed, the petitioner/plaintiff would be put to irreparable loss and untold hardship. Hence, he seeks the releif as prayed for.



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5. Per contra, the learned counsel for the respondents would submit that the amendment petition is allowed long back on 31.07.2024 in I.A. No.1 of 2023 in C.S. No.145 of 2015. However, the plaintiff has not amended the plaint within the stipulated period as prescribed in the Law. As per the law, the plaintiff has to amend the plaint within a period of 14 days. After a long time, the APC has been filed seeking for extension of time. Hence, the Court below has rightly returned. Therefore, there is no reason warranting interference with the order of the Court below.

6. It is seen from the records that the case in O.S. No.145 of 2015 on the file of the Subordinate Judge, Kancheepuram, has been filed for partition. In the meanwhile, the plaintiff/petitioner herein has filed IA No.1 of 2023 seeking for amendment in the plaint schedule property. The application came to be allowed on 31.07.2024. Subsequent to the aforesaid order, the plaintiff/petitioner herein has not amended the plaint. Only on 03.02.2025, the unnumbered application came to be filed under Section 151 of CPC seeking for extension of time to carry out the necessary amendment in the plaint. Having considered the facts and circumstances of the case and



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submissions made by the learned counsel on either side, in order to decide the controversy between the parties, this Court deems it fit to grant one more opportunity to the plaintiff/petitioner to carry out the amendment in the plaint. Hence, the petitioner/plaintiff is hereby directed to carry out the necessary amendment in the plaint as per the order dated 31.07.2024 in I.A. No.1 of 2023 in O.S. No.145 of 2015 passed by the Court below within one week from the date of receipt of copy of this order.

7. Considering the nature of the parties and age of the suit, the Court below is directed to dispose the suit within a period of six months after amending the plaint.

8. With the aforesaid observation, this civil revision petition stands disposed of. No costs.

17.09.2025

lbm

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No



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M. JOTHIRAMAN, J.

lbm

To
The Principal Subordinate Judge, Kancheepuram

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