



A. No. 3674 of 2025
in C.S. No.474 of 2013
and C.S. No.474 of 2013

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2025

CORAM

THE HONOURABLE Dr. JUSTICE R.N.MANJULA

A. No. 3674 of 2025
in C.S. No.474 of 2013
and C.S. No.474 of 2013

1.Rajini Balakrishnan
2.V.Revathi
3.Rama Gunasekaran

...Applicants

Vs.

K.Madhavan Naidu (deceased)

2.K.Radhadevi
3.K.Ramesh
4.K.Shakila
5.K.Ramya
6.K.Rithish

...Respondents

Prayer : These applications have been filed under Order XIV Rule 8 of the Original Side Rules read with Order VI Rule 17 and Section 151 of the Code of Civil Procedure, 1908, praying to permit the applicants/ plaintiffs to amend the plaint in C.S. No. 474 of 2013 as detailed in the Judges Summons.

For applicants : M/s.Auxila Peter

ORDER

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WEB COPY The applicants /plaintiffs have filed this application to amend the
plaint as the particulars of the amendment shown in the Judges Summons.

2. The learned counsel for the applicants submitted that during the cross-examination of the DW1, he had deposed that some of the suit properties have been acquired for the purpose of laying pipeline by the Indian Oil Corporation as well as by the CMRL and for which, he has received the compensation.

3. As the applicants came to know about the same only after the cross-examination of the DW1 was completed, now the applicants intend to amend the prayer and particulars of the properties by including their share of rights in the compensation received by the 2nd defendant in the suit, who has been examined as DW1.

4. However, the learned counsel for the respondents vehemently objected that this would cause a *denova* trial and the issues ought to have been raised at the time when the suit was instituted cannot be raised at



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WEB COPY later stage.

5. The submission of the applicants is that they came to know about the acquisition of some of the suit properties by the Chennai Metro Rail Limited and the Indian Oil Corporation by awarding compensation only after DW1 had spoken about the same. They have also learnt that the compensation amount awarded and the same has also been received only by DW1.

6. In case the applicants could establish their entitlement of share in the suit properties, which were acquired, then the sharers will also be entitled to compensation.

7. As the matter in issue revolves only with regard to their entitlement over the suit schedule properties and the element of compensation, I do not feel that it will change the nature of the suit or would result in conducting a *denova* trial.



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WEB COPY **8.** In the interest of justice, the applicants are permitted to amend the
plaint in accordance with the particulars of amendment as shown in the
Judges Summons.

9. However, the respondents are at liberty to file their additional
statements after the amendments are carried out.

10. In the result, the application is allowed. No costs.

11. A copy of the amended plaint to be filed within a period of two
weeks.

11.09.2025

Maya



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Dr.R.N.MANJULA, J.

Maya

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