



Appln.No.4517 of 2025 in C.S.No.397 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.10.2025

Coram:

THE HONOURABLE MR.JUSTICE P.DHANABAL

Application No.4517 of 2025

in

C.S.No.397 of 2018

1. H.Parimala
2. R.Kalpana
3. R.Sumathi

.. Applicants/plaintiffs

Vs.

1. R.Sakunthala (alias) R.Sakunthala Ammal (deceased)
2. R.Ravikumar

.. Respondent/defendant

Judge's summons under Order XIV Rule 8 of the Original Side Rules of Madras High Court read with Order VI Rule 17 of The Civil Procedure Code and Section 151 of the Code of Civil Procedure, and application is filed to permit the applicants/plaintiffs to amend the plaint in C.S.No.397 of 2018 as detailed hereunder:

Details of amendment:-

(1) In page No.4 of the plaint, below paragraph 5 relating to A-property item No.1 (referred to as Surath Bhavan Street property) - Delete 7 lines from "House, ground to Mr.D.Vasu, son of K.Dharmalingam" and in its place insert "House, Ground and premises bearing Door No.17, Surath Bhavan Street also identifying as New Door No.34, Old Door No.17, Strahans Road, Pattalam,



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Chennai-600 012, measuring 1467.75 Sq.Ft. as soil area.

(2) In page No.8 caption "F" property item No.6: Movable Properties: 200 sovereign of gold jewels = Rs.40,00,000/- should be shown as "G" property i.e. instead of "F" it should be "G"

(3) In page No.8, Caption "F" to be inserted as below "F" property item No.6 (Referred to as ancestral property, situated at Kamakoor Village, Arani Taluk, Thiruvannamalai District) All that piece and parcel of land and building bearing Grama Natham Survey No.7/22, Kamakoor Village, measuring an extent of 728-3/4 Sq.Feet.

(4) In page No.8, after/below "G" property insert "H" - Bank details:

Account Details of deceased Sakunthala maintained in Purasawalkam Co-op. Bank, Main Branch,

i) Acc.No.002017000332814001

Acc.No.002017000332815001

Acc.No.002017000332822001

Acc.No.002017000332823001

Acc.No.002017000332824001

Acc.No.002017000332825001

Acc.No.002017000332826001

Acc.No.002017000332827001

Acc.No.002031000000009771

Account details of deceased Regugopal

(ii) Acc.No.10332965796

maintained in State Bank of India, Purasawalkam Branch

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(5) Throughout the plaint 1/5 share to each property becomes 1/4 share to each and total plaintiffs share becomes 3/4 share instead of 3/5 share whereas it occurs due to the death of the deceased mother the 1st defendant."

For applicant : M/s.R.Chellamuthu

For respondents: R-1 died

Mr.M.Devaraj for R-2

ORDER

This application is filed praying to permit the plaintiffs to amend the plaint in C.S.No.397 of 2018 as detailed above.

2. According to the petitioner, he is the second plaintiff in the main suit and the main suit has been filed for the relief of partition. Earlier, they have engaged some other counsel and now they have changed the counsel. On a perusal of the plaint, it is seen that in the body of the plaint, the description of the property has been mistakenly mentioned and in the Schedule-F, the property has not been mentioned in the plaint. The movables were shown as "F" in the pleadings, and it should be changed as "G" and the correct particulars of the A-Schedule property has to be included. They have recently obtained the Bank details and their appearance and the same has got to be inserted as "H" in the

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pleadings, as well as on the description of the property. Throughout the plaint 1/5 share to each property becomes 1/4 share to each and total plaintiffs' share becomes 3/4 share instead of 3/5 share, whereas it occurs due to the death of the deceased mother of the 1st defendant. Hence, the present application has been filed to amend the above stated particulars in the plaint/Schedule of properties.

3. The second respondent/D2 had filed counter affidavit, stating that the application is only an abuse of process of law to prolong the pending case. The amendment sought for is only superfluous and no way connected with the suit. The Civil Suit is filed in the year 2018 and amendment is sought in the year 2023 by including certain schedule properties and the Written Statement has also been filed by the defendants and the case is posted "for framing issues". At this stage, without filing the draft issues, the plaintiff has come forward with the present application. There are no bona-fides on the part of the applicants/plaintiffs in filing this application for amendment. Further, the reasons stated by the applicant/plaintiff for change of counsel, cannot be a ground to amend the plaint. Further, the Bank details are alleged to have been recently produced is of no consequences, since this account had been operated by the survivor, and it is no way connected with the present proceedings and he is not a party to the



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suit by including the above-said 9 Bank accounts belonging to the first defendant/deceased, which is impermissible, in the absence of other serving account holders. There are no details in respect of the Account numbers. Therefore this application is liable to be dismissed.

4. Learned counsel for the applicants/plaintiffs submitted that the properties mentioned in the Schedule appended to the plaint, had been wrongly mentioned in the body of the plaint and now they have found some accounting details of those accounts, which will have to be included in the Schedule of the properties, and therefore, they have filed this application. The suit is posted for framing of issues and no trial has been commenced. Therefore, to get effective division of the properties of the deceased, the amendments have to be included and hence, this application for amendment had been filed.

5. Learned counsel for the respondents/defendants submitted that already, they have filed application for amendment which has been allowed and at that time, they should have mentioned about the present amendment and only to delay the proceedings, the present application is filed.

6. Heard both sides and perused the materials available on record.

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7. According to the applicants/plaintiffs, in the plaint, "A" schedule mentioned property in the body of the plaint, they have mentioned as Door No.13.A, which is the second item of the suit schedule properties, and therefore, the particulars of those properties, have to be given, by deleting the present list of the properties and by including the correct properties in the plaint.

8. Apart from that, "G" schedule of properties, had been wrongly mentioned as "F" Schedule, wherein, in the body of the plaint, the schedule of the properties had been wrongly mentioned as "F" schedule, in fact, in the plaint schedule property, the same has been correctly mentioned, and therefore, the plaint has to be amended.

9. Further, during the pendency of the suit, they have come to the knowledge of "F" schedule properties, which are left out and now, they wanted to include those properties.

10. The main contention raised by the respondents/defendants is that already, the plaint was amended and now after change of the counsel only to delay the proceedings, this application is filed.

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11. On a perusal of the plaint, it reveals that "A" schedule property had been wrongly described in the plaint in paragraph 5(a). Further, "G" schedule has been wrongly shown as "F" schedule property.

12. Therefore, to avoid confusion and when the properties were correctly mentioned in the description of the properties, the same have to be correctly mentioned in the body of the plaint, but, in the plaint, those properties have been wrongly mentioned.

13. Therefore, it is appropriate to allow the present application in respect of the amendments in para 5(a) of the plaint.

14. Admittedly, the suit is pending for framing of charges and no trial has been commenced and before the trial stage, this amendment application is filed.

15. As far as "H" schedule is concerned, according to the applicant/plaintiff, they have only come to know recently about those deposit receipts and Bank Account, and therefore, they have wanted to include those properties.

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16. The respondents have not denied the names of the Account Holders, i.e. the mother and father of the applicant/plaintiff and therefore, in order to get binding decree, the above properties also will have to be included and if at all, the respondents/defendants have any grievance, they can file additional written statement in respect of the proposed amendments.

17. Therefore, in the interest of justice and to avoid multiplicity of proceedings and in order to get effective and binding decree, it is appropriate to allow this application. Further, the present amendment will not alter the nature and character of the suit.

18. Therefore, this Court is inclined to allow this application. Accordingly, this amendment application is allowed.

19. The amendment must be carried out by the parties within 14 days.

20. For filing amended plaint copy and for filing additional written statement, if any, list the suit for hearing on 13.11.2025.

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