



C.R.P.No.4246 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.4246 of 2025 and CMP No.21832 of 2025

A.Rajes Kanna

.... Petitioner

Vs

1. The Principal District Judge,
Cuddalore, Cuddalore District-607 001.
2. The Sessinis Judge,
Mahila Court, Cuddalore,
Cuddalore District – 607 001.
3. The Principal Sub Judge,
Cuddalore, Cuddalore District – 607 001

... Respondents

Revision filed under Article 227 of Constitution of India against the orders made by the 1st respondent in D.No.9895/A/2024, dated 26.12.2024 and quash the same and consequently direct the 2nd respondent Court to include Schedule of Properties in the decree passed in A.S.No.19 of 2016 dated 06.12.2017.

For Petitioner: Mr.Palanikumar N.



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ORDER

Heard the learned counsel for the revision petitioner.

2. The revision petitioner is the plaintiff in O.S.No.197 of 2012. The plaintiff filed a suit for partition. Though the trial court dismissed the suit, the first appellate Court in A.S.No.19 of 2016 reversed the findings of the trial Court and granted preliminary decree in favour of the plaintiff. Second Appeal was filed before this court and the decree of the first appellant was confirmed in S.A.No.415 of 2018. Thereafter, at the time of filing of the final decree application, the petitioner/plaintiff realised that the decree in the trial court did not contain the schedule. Hence, an application was filed before the learned Sessions Judge, Mahila Court, Cuddalore, seeking incorporation of the schedule in the decree. However, the learned Sessions Judge, Mahila Court, Cuddalore returned the application on the ground that since High Court has confirmed the decree in S.A.No.415 of 2018, the petitioner would have to approach this Court.

3. Thereafter, the petitioner/plaintiff has filed a Memo before the Principal District Court, Cudalore seeking for incorporation of the schedule



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in the decree of the first appellate Court. However, in and by an administrative order, the memo was rejected by the Principal District Court, Cuddalore vide D.No.9895/A/2024 dated 26.12.2024. The rejection of the said Memo is under challenge in this revision petition.

4. Learned counsel for the petitioner/plaintiff would invite my attention to the decree passed by the trial Court and state that the plaint as well as the decree passed by the trial court contained the schedule, however, by inadvertence, the first appellate court has omitted to include it in the decree, while setting aside the findings of the trial Court. Merely because the findings of the first appellate court came to be confirmed by this Court in S.A.No.415 of 2018, it will not preclude the petitioner/plaintiff to approach the first appellate court for amendment of the decree invoking Section 152 of Code of Civil Procedure. In fact, the learned Sessions Judge, Mahila Court ought to have entertained the application and ordered amendment to facilitate the petitioner/plaintiff to move the final decree application, who has succeeded upto this Court. However, the application came to be returned which prompted the petitioner/plaintiff to file a Memo before the District



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Court. The Principal District Judge, misconstruing the request of the petitioner/plaintiff has rejected the Memo.

5. I have carefully considered the submissions of the learned counsel for the petitioner. I find force in the submissions of the learned counsel for the petitioner. Incorporation of the schedule in the decree of the first appellate Court has been sought for only before the first appellate Court rightly and not before the trial Court or this court being the second appellate Court. There is no impediment for the first appellate Court to correct the omission, by incorporating the schedule in the decree.

6. In view of the above, the order dated 26.12.2024 passed by the Principal District Judge, Cuddalore is set aside and the learned Principal District Judge, Cuddalore is directed to issue directions to the Sessions Judge, Mahila Court, Cuddalore to amend the decree and issue fresh copy to the petitioner/plaintiff within a period of four weeks from the date of receipt of a copy of this order.



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7. With the above direction, the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

08.09.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order
sr

To

1. The Principal District Court, Cuddalore
2. The Sessions Judge, Mahila Court, Cuddalore



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P.B.BALAJI.,J

SR

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