



CRP.Nos.4523 & 4524 of 2025 and C.M.P.Nos.22984 & 22987 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.Nos.4523 & 4524 of 2025

and

C.M.P.Nos.22984 & 22987 of 2025

Harrin Feeds,
Rep. by its Proprietor,
M.Senthil Kumar, Kadhappalli Village,
Kadhappalli Post,
Namakkal Taluk and District.

... Petitioner / Respondent / Defendant
in both CRPs

Versus

Sri Aathith Food Product,
by its Karta P.Nandhakumar,
D.No.87/25, Tiruchengode Road,
Kumarapalayam Taluk, Namakkal District.

... Respondent / Petitioner / Plaintiff
in both CRPs

Prayer in CRP.No.4523 of 2025:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 16.07.2025, passed in I.A.No.5 of 2024 in C.O.S.No.5 of 2023, on the file of the Principal District Judge, Namakkal, by allowing this Civil Revision Petition.

Prayer in CRP.No.4524 of 2025:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated



16.07.2025, passed in I.A.No.6 of 2024 in I.A.No.3 of 2023 in C.O.S.No.5 of 2023, on the file of the Principal District Judge, Namakkal, by allowing this Civil Revision Petition.

For Petitioner : Mr.R.Vivek in both CRPs

COMMON ORDER

Unsuccessful defendant has filed the present Civil Revision Petition.

2. Originally, one Sri Aathith Food Product, represented by its Proprietor P.Nandhakumar, filed a Commercial Suit in C.O.S.No. 5 of 2023 on the file of the Principal District Court, Namakkal, seeking recovery of money. The defendant filed a written statement. At this stage, the plaintiff filed an application in I.A.No.5 of 2024 in C.O.S.No.5 of 2023 under Order VI Rule 17 of the CPC seeking to amend the plaint. Similarly, the plaintiff also filed another application in I.A.No.6 of 2024 seeking amendment of the petition in I.A.No.3 of 2023, which has been filed under Order XXXVIII Rule 5 of CPC. Upon hearing either side, the Court below, *vide* order dated 16.07.2025, allowed both applications on the ground that the proposed amendment, would not alter the nature of the suit, the cause of action, or the parties to the proceedings. Aggrieved over the same, the defendant has filed



the present Civil Revision Petitions.

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3. The learned counsel appearing for the revision petitioner submitted that the plaintiff has now sought to introduce a new case by amending the plaint on the ground that the word 'Proprietor' was inadvertently typed instead of "Karta of HUF". The Court below, without properly considering the objections raised by the revision petitioner, allowed the applications. The proposed amendment, if permitted, would change the very cause of action. The plaintiff, who originally filed the suit in his personal capacity as a proprietor, is now attempting to substitute his capacity as Karta of a Hindu Undivided Family (HUF), which amounts to suing in a representative capacity. Such an amendment is impermissible under Order VI Rule 17 of CPC.

4. It is seen from the records that the suit has been filed for recovery of money. At the time of filing the suit, it was mentioned as 'Proprietor of Aathith Food Product by its Proprietor P.Nandhakumar'. It is stated in the affidavit filed by the plaintiff that the word 'Proprietor' was inadvertently typed instead of 'Karta'. Notice was issued to the plaintiff pursuant to the



same during the trial stage. By contrast, the revision petitioner contended that since the suit itself was filed in the capacity of Proprietor, the petition seeking amendment is not maintainable. It is seen from the records that in the plaint, P.Nandhakumar has signed as a Kartha of "Sri Aathith Food Product" with the seal of the HUF. Upon considering either side, the Court below found that by amending the status of P.Nandhakumar in the plaint, neither the nature of the suit nor the cause of action nor the parties to the suit would be altered. Amending the status of the person representing the plaintiff firm will not cause any prejudice to the defendant. The proposed amendment is necessary for the effective and complete adjudication of the suit and to avoid multiplicity of proceedings.

5. In view of the above, there is no reason to interfere with the order passed in I.A.No.5 of 2024 in C.O.S.No.5 of 2023 and I.A.No.6 of 2024 in I.A.No.3 of 2023 in C.O.S.No.5 of 2023, dated 16.07.2025, on the file of the learned Principal District Judge, Namakkal,

6. Accordingly, these Civil Revision Petitions are dismissed. However,



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it is open to the revision petitioner / defendant to file an additional written statement in the manner known to law if required. No costs. Consequently, connected miscellaneous petitions are closed.

22.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The learned Principal District Court, Namakkal.

M. JOTHIRAMAN, J.

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