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CRP.No.4859 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

**CORAM
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

**CRP.No.4859 of 2024
and
CMP.No.27181 of 2024**

1.V.Uma
2.V.Vignesh
3.V.Pradeep
4.N.Munirathinammal

... Petitioners/Plaintiffs

Vs.

1.Saridha
2.S.Haribabu
3.P.A.Sanjeevi Naidu

... Respondents/Defendants

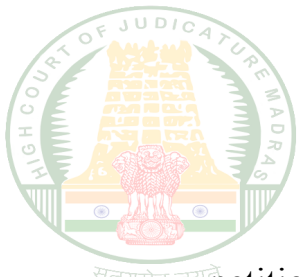
Civil Revision Petition filed under Article 227 of the Constitution of India, as against the fair and decretal order dated 24.10.2024 made in I.A.No.1 of 2024 in O.S.No.56 of 2014 on the file of the learned Principal Subordinate Court, Poonamallee.

For Petitioners : M/s.M.Adhishree

For Respondents : No appearance

ORDER

The plaintiffs, aggrieved by the dismissal of an amendment applications are before this Court.



WEB COPY

CRP.No.4859 of 2

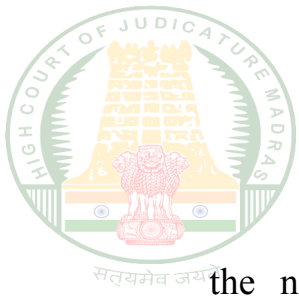


2. Heard, Ms.M.Adhishree, the learned Counsel for the revision petitioners.

3. The respondents, despite service of notice in the revision have not entered appearance either in person or through Counsel.

4. Ms.M.Adhishree, the learned Counsel for the petitioners would state that the plaintiffs, without altering the relief that was originally sought for, wanted to lend more clarity to the plaint averments and elucidate the allegations that have been already made by seeking suitable amendments in the body of the plaint as well as in the schedule.

4.1. Learned Counsel for the petitioners would further state that there is no change in the original character of the suit and further, the respondents also did not object to the amendments that was sought for by the plaintiffs. However, pointing out to the impugned order, the learned Counsel would state that, the Court below has erroneously found that the amendment introduces a totally new cause of action and therefore, proceeded to dismiss the amendment application.



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5. I find that the trial Court has assigned one more reason namely, the non-seeking of the said amendment in the earlier application for amendment in I.A.No.761 of 2019 and on these grounds, the petition for amendment has been dismissed.

6. Learned Counsel for the petitioners would also place reliance on the decision of the Hon'ble Supreme Court in the case of ***Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited*** reported in **2022 (16) SCC 1**, wherein it was held that, all pre-trial amendments should be ordinarily allowed and trial Court should be liberal in permitting amendment of pleadings, when the amendments are sought for prior to the commencement of trial. The Hon'ble Supreme Court has further held that in order to avoid multiplicity of proceedings and as long as the amendment does not result in injustice to the other side, the amendment applications should not be dealt with by adopting a hypertechnical approach and if need be, the opposite party should always be compensated by costs. It is also been held that when the plaintiff seeks to amend the plaint, by rectifying absence of material particulars in the plaint, then such amendment should be allowed. The learned Counsel for the petitioners states that that the facts of the present



case clearly fall within the ambit of the direction issued in Paragraph No.71.8

in the **LIC** case referred herein above.

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7. I have carefully considered the submissions advanced by the learned Counsel for the petitioners.

8. The revision petitioners as plaintiffs have filed a suit for declaration of title and their right and interest in the suit properties and also for setting aside the registered documents, namely, to declare the two Sale Deeds that have been executed as between the defendants as null and void and not binding on the plaintiffs.

9. Admittedly, the suit is one for seeking substantial reliefs and the trial is yet to commence. Therefore, the trial Court ought to have adopted a more liberal approach in permitting the plaintiffs to lend more clarity to the pleadings and more-so, when no new relief has been sought for and only in order to fortify the suit reliefs, the plaintiffs wanted to introduce certain amendments in the plaint. The trial Court also failed to see that the amendment petition was not even opposed by the respondents. One of the



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guidelines that the Hon'ble Supreme Court has indicated in **LIC's** case is to see whether any prejudice is caused to the opposite party. When the respondents have not even come forward to file any counter, objecting to the amendment application and considering the fact that trial has also not commenced, the learned Sub-Judge, Poonamallee ought to have allowed the amendment application. However, on the contrary, the trial Court has erroneously proceeded to find that the amendments sought were in the nature of changing the very character of the suit and introducing a new cause of action.

10. I have gone through the amendments that have been sought for in I.A.No.1 of 2024. As rightly pointed out by the learned Counsel for the petitioners, none of these amendments, in any way alter or affect the original cause of action or the character of the suit as well. The findings rendered by the trial Court are clearly erroneous and liable to be interfered with in the revision. As far as pre-trial amendments, amendments should be the rule and disallowing the application should be the exception. The order of the trial Court, for refusing amendment is therefore wholly unsustainable and liable to be set aside.



CRP.No.4859 of 2

WEB COPY

11. In fine, the order of the trial Court in I.A.No.1 of 2024 in O.S.No.56 of 2014 dated 24.10.2024 is set aside and the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

25.07.2025

Index: Yes/No
Speaking Order/Non-Speaking Order

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To
The Principal Subordinate Court, Poonamallee.



WEB COPY



CRP.No.4859 of 2

P.B.BALAJI, J.

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25.07.2025