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CRP.No.4851 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

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1. John Benjamin Suresh,
S/o. S.John, Rep. by his Power Agent,
V.Bhuvaneswari.
2. V.Bhuvaneswari
3. N.Praveen Kumar
4. P.Shymala Sekar
5. Prakash Ganesan

... Petitioners 1 to 5 /
Respondents 5 to 9 / Defendants 5 to 9

Versus

1. Thangaraj
2. A.Mohammed Ismail
3. A.Dakshinamurthy
4. G.Sundararajan
5. Richard H.Thomas

... 1st Respondent / Petitioner / Plaintiff

... Respondents 2 to 5 /
Respondents 1 to 4 / Defendants 1 to 4

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed on 30.08.2024 in I.A.No.8 of 2024 in O.S.No.8364 of 2019 on the file of first Additional City Civil Judge, Chennai and all the Civil Revision Petition.



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For Petitioner
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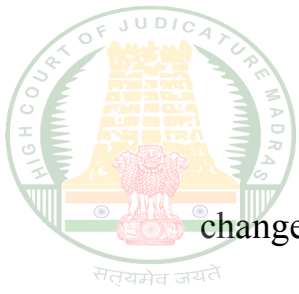
: Ms.R.Angalaparameswari

ORDER

Unsuccessful defendants 5 to 9 have preferred the present Civil Revision Petition.

2. One Thangaraj filed a suit in O.S.No.8364 of 2019 on the file of the I Additional City Civil Court, Chennai, seeking the relief of specific performance of a contract under the agreement of sale deed dated 30.11.2006 executed between the plaintiff and the defendants, along with other declaration reliefs. The defendants filed their written statement. At this stage, the plaintiff filed an application in I.A.No.8 of 2024 in O.S.No.8364 of 2019 under Order VI Rule 17 of the CPC, seeking amendment of the plaint in O.S.No.8363 of 2019. Upon hearing either side, the Court below, *vide* order dated 30.08.2024, allowed the petition on the ground that the trial of the suit had not commenced so far, and thereafter, as per the settled law laid down by the Hon'ble Supreme Court, the amendment ought to be permitted liberally. The Court below further observed that no prejudice would be caused to the respondents and that the character of the suit would not be altered or

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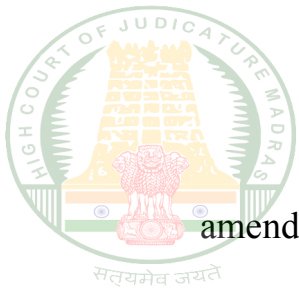


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changed. Aggrieved over the same, the revision petitioners have preferred the present Civil Revision Petition.

2. The learned counsel appearing for the revision petitioners would submit that the Court below failed to consider the case of the revision petitioners as stated in their written statement. The learned counsel further submitted that the Court below also failed to consider that the proposed amendment, if allowed, would cause serious prejudice to the defendants.

3. It is seen from the records that the amendment petition in I.A.No. 8 of 2024 in O.S.No.8364 of 2019 has been filed to incorporate certain factual aspects in the plaint relating to subsequent transactions and alienations made by the defendants, and also to seek a declaration that the sale deeds executed during the pendency of the suit be declared null and void. The plaintiffs have elaborately mentioned those transactions in the proposed amendment and now seek declaratory relief in respect of those sale deeds. It is also seen from the records that the plaintiffs seek proper and complete adjudication of the case by including all purchasers who acquired portions of the suit properties during the pendency of the suit, and for that purpose, they sought



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amendment of the plaint by explaining the relevant circumstances and seeking necessary reliefs against such purchasers. It is further noted that the trial of the suit has not yet commenced.

4. In order to decide the real controversy between the parties, the proposed amendment would not introduce any new case, and if the proposed amendment is allowed, no prejudice would be caused on the other side. There are no merits in this case, and there is no reason to interfere with the order passed in I.A.No.8 of 2024 in O.S.No.8364 of 2019, dated 30.08.2024 on the file of the I Additional City Civil Court, Chennai.

5. Considering that the suit is of the year 2019 and has been pending for more than five years, the Court below is directed to dispose of the suit as expeditiously as possible.

6. Accordingly, this Civil Revision petition is dismissed. No costs.



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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The learned I Additional City Civil Court, Chennai.

M. JOTHIRAMAN, J.

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