



WEB COPY

CRP No. 1630 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-07-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 1630 of 2025

AND

CMP NO. 9437 OF 2025

Sarbunisha
W/o. Syad Aadham,
No.2/1 Kalangar Nagar,
Thiyagathurugam, Periyammapattu
Village,
Kallakurichi Taluk and District.

Petitioner(s)

Vs

1. Naseern Bagam
W/o. Rahman Shreep,
No.175/6, Jumma Masudi,
Salem Taluk and District.

2.The Thasildar
Taluk Office,
Kallakurichi Taluk and District.

Respondent(s)



PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 29.08.2024 passed by the Learned II Additional District Munsif at Kallakurichi in I.A.No.546 of 2024 in O.S.No.116 of 2021.

For Petitioner(s): Mr.D.Murugan

For Respondent(s): Mr.N.Muthuvel
Government Advocate for R2
Ms.T.Chandrakala for R1

ORDER

The first defendant, aggrieved by the trial Court allowing the application in I.A.No.546 of 2024 for amendment of the plaint to incorporate the relief that the judgment in O.S.No.43 of 2020 passed by the Principal District Munsif, Kallakurichi, is null and void and consequently pay necessary Court fee and amend the fee and valuation column in the suit, has come up by way of revision petition.

2. The learned counsel for the revision petitioner states that the petitioner has pleaded about the proceedings initiated by the first defendant, which led to the filing of the earlier Suit in O.S.No.116 of 2021 before the II Additional District Munsif, Kallakurichi. Therefore, he would submit that the plaintiff had



full knowledge of the said proceedings and had belatedly come up with the application for amendment of the plaint. Therefore, he would state that the trial

Court fall in error in allowing the amendment as prayed for.

3. Per contra, the learned counsel for the respondent/plaintiff states that the plaintiff was not a party in O.S.No.43 of 2020 and further the factum of the said suit having been decreed in favour of the first defendant came to plaintiff's knowledge only when the defendant filed a written statement on 09.08.2021. The said application for amendment to include the relief to declare the judgment and decree in O.S.No.43 of 2020 is null and void, has been admittedly filed, within a period of three years from the date of written statement, bringing it to the notice of the plaintiff, that the first defendant has already filed a suit and obtained decree in O.S.No.43 of 2020.

4. In the light of the above, I do not see, how the defendants would be prejudiced, if the plaintiff is permitted to introduce the prayer. Therefore, when there is no new cause of action set out by the way of amendment and the



character of the original suit is also not lost or altered and only in order to effectively obtain a decree for declaration, the plaintiff has sought to introduce the relief to declare the judgment and decree in O.S.No.43 of 2020, as null and void.

5. I do not find any illegality and perversity in the order passed by the trial Court. The defendants shall be permitted to file a additional written statement, if any, within a period of six (6) weeks from the date of receipt of a copy of this order. The trial Court shall dispose of the suit, within a period of one (1) year thereafter.

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

Consequently, connected Miscellaneous Petition is closed.

31-07-2025

jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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P.B.BALAJI.J.,

jd

To

1. The II Additional District Munsif, Kallakurichi.
2. The II Additional District Munsif, Kallakurichi.

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2025**

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