



CRP.No.4990 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.4990 of 2025 and
CMP.No.25220 of 2025

Thangaraj

... Petitioner

Vs.

1. Neelamani

2. Pachaiyammal (Died)

...Respondent

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India,

praying, to set aside the Docket order dated 15.07.2025 passed in I.A.No.4 of 2025 in O.S.No.119 of 2016 on the file of Sub Court, Avinashi, and allow the Civil Revision Petition and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner

: Mr.S.Kaithamalai Kumaran

ORDER

The Civil Revision petition is filed challenging the docket order passed by the court below allowing the petition filed by the 1st respondent seeking amendment of the plaint.



2. It is seen from the records that the first defendant in the suit namely Pachaiyammal died on 21-01-2022 during the pendency of the suit leaving behind the petitioner herein and the 1st respondent as her legal representatives. Since the legal representatives are already on record, there is no abatement. In order to formally incorporate the word “died” as a suffix to the name of the deceased first defendant in the plaint and also to include the factum of death in the pleadings, the instant amendment application has been filed.

3. In the counter to the amendment application, the petitioner herein did not raise any substantial objection with regard to the amendment sought for. His only objection was earlier the suit was dismissed for default and the same was restored pursuant to the conditional order passed by this court in CRP.No. 2966 of 2024 dated 30-09-2024 and the condition imposed by this court has not been complied by the 1st respondent within the time. Therefore, according to the petitioner, the restoration ordered by the court is not in accordance with the law. If the petitioner is aggrieved by the restoration of the suit, it is open to him to file an appropriate application before the court below seeking to recall the said order by raising the averments he raised in the present counter.



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4. As far as the present amendment application is concerned, the amendment sought for are only formal and the petitioner did not raise any substantial objection in his counter to the amendment application. Therefore, I do not find any error in the order passed by the trial court. Accordingly, the civil revision petition stands dismissed with liberty to the petitioner to file appropriate application regarding the restoration of the suit. Consequently, the connected miscellaneous petition is closed. No costs.

30.10.2025

Index : Yes / No
Internet : Yes / No
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To

The Sub Court, Avinashi,

S.SOUNTHAR, J.

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