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CRP.No.5841 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5841 of 2025 and
CMP.No.28954 of 2025

M.Thirumathi
Cause title accepted vide court order dated 05.11.2025 in
CMP.No.26713 of 2025 in CRP.Sr.No.166387 of 2025 ... Petitioner

Vs.

1. L.Sumithra devi
L.Muruganandham (Died)
2. R.Dhandapani
3. K.Lakshmi
4. A.Uthathal ...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India,
praying to set aside the order and final dated 25.06.2025 in I.A.No.1 of 2024 in
O.S.No.776 of 2023 on the file of the III Additional District and Sessions
Judge, Dharapuram.

For Petitioner : M/s.K.Sudhakar



ORDER

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The civil revision petition is filed challenging the order passed by the Trial Court allowing the application filed by the respondents 1 and 2/plaintiffs seeking amendment of the plaint.

2. The respondents 1 and 2 filed a suit seeking declaration that they were the exclusive owners of the suit property and for several other incidental reliefs. The present amendment petition is relating to prayer “C” in the plaint which reads as follows:-

c) to declare Papammal never had any rights to her alleged 0.25 punjai acre of suit schedule property as per Section 25 of Hindu Succession Act, 1956

3. The respondents 1 and 2 filed application seeking amendment of the prayer “C” which is couched in negative form into a positive declaration in their favour. As per the prayer in the amendment application, the respondents 1 and 2 wanted to substitute the prayer “C” with the following prayer which reads as follows:-

c). To declare plaintiffs alone inherited the entire suit property as Papammal disqualified from inheriting the suit property as under



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Section 25 of Hindu Succession Act, 1956 and hence, plaintiffs alone are exclusive owners of the entire suit property.

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The Trial court allowed the said amendment application. Aggrieved by the same, the 1st defendant in the suit has come before this Court.

4. The learned counsel for the petitioner/1st defendant submitted that petitioner purchased the property from the above said Papammal and she was no way connected with commission of murder of Lingasamy under whom the respondents 1 and 2 are claiming title over the property. Since the petitioner's vendor Papammal was nothing to do with murder of Lingasamy, Section 25 of Hindu Succession Act is not attracted in the present case. Hence, the Trial Court ought not have allowed the amendment application.

5. A perusal of the original prayer "C" found in the plaint and new substituted prayer introduced by way of amendment would make it clear that there is no difference in the substance of the prayer. Earlier, the respondents 1 and 2 sought for a declaration that Papammal had no right over the suit property in view of Section 25 of Hindu Succession act. Now, the respondents 1 and 2 seeks a declaration that they alone inherited the entire suit property as above said Papammal was disqualified from inheriting under Section 25 of Hindu Succession Act. Earlier, prayer "C" in the plaint was couched in



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negative form and now, it is changed into a positive payer. The amendment is sought for to avoid technical objection regarding maintainability of negative prayer. Since there is no change in the substance of the prayer, the proposed amendment will not cause any prejudice to the petitioner. The Trial Court rightly appreciated the same and allowed the application. I do not find any error in the impugned order passed by the Trial Court. Accordingly, the civil revision petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

6. Whether the said Papammal involved in the murder of her son Lingasamy is a question of fact to be decided based on the evidence at the time of final disposal and the petitioner is always entitled to lead evidence in support of his case.

10.12.2025

Index : Yes
Internet : Yes
Neutral Citation: Yes
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To

The III Additional District and Sessions Judge, Dharapuram.

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S.SOUNTHAR, J.

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