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CRP.No.5808 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5808 of 2025 and

CMP.No.28860 of 2025

Arulselvan

... Petitioner

Vs.

Muni Ammal (Died)

1.Thangavel

R.D.Kannappa Modali (died)

2. Lakshmi

3.Kumar

4.Santhi

5. Amutha

6. Kavitha

7.Yuvaraj

8.Usha

...Respondents



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PRAYER : Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the order and decree dated 16-07-2025 in IA.No.2 of 2025 in OS.No.71 of 2007 on the file of the District Munsif Court, Arakkonam, Ranipet District.

For Petitioner : M/s.R.Rajarajan

ORDER

The civil revision petition is filed challenging the order passed by the Trial Court allowing the application for amendment of the plaint filed by the plaintiffs.

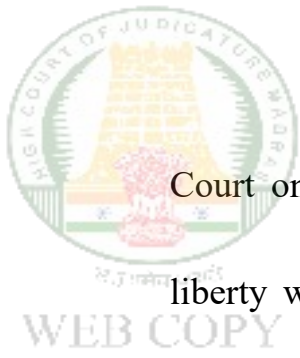
2. The plaintiffs/ respondents 1 and 2 filed a suit for declaration and permanent injunction against the petitioner and other respondents. Originally, the suit was filed by the mother of respondents 1 and 2. The suit was dismissed by the Trial Court. Aggrieved by the same, she filed an appeal before the First

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Appellate Court. The First Appellate Court remanded the matter to the Trial Court with liberty to the plaintiffs to convert the suit as one for partition. In the meantime, the mother of respondents 1 and 2 died and they were brought on record as legal representatives. After remand, instant application has been filed seeking amendment of the plaint with regard to the rank of the parties and for inclusion of certain properties and also to amend the extent of the properties already included in the plaint. The said application was allowed by the Trial Court. Aggrieved by the same, the petitioner/ fourth defendant has come before this Court.

3. The learned counsel for the petitioner/ 4th defendant submitted that regarding the amendment concerning the array of the parties, he has no serious objection. However, with regard to the inclusion of new properties, the learned counsel for the petitioner submitted that the matter was remanded to the Trial



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Court only to enable the plaintiffs to seek a new relief of partition and no liberty was granted for inclusion of new properties. Therefore, according to him, the present application filed by the respondents would exceed the scope of remand order.

4. The suit was originally filed for declaration and permanent injunction based on Ex.A1, unregistered and unstamped document. The first appellate court came to the conclusion that the said document could not be relied for any purpose. However, remanded the matter granting liberty to the plaintiffs to convert the suit as the one for partition. After remand, the instant application has been filed to amend the extent of the properties in the suit property and also to include a new property by amending extent of the existing properties and introducing new property. The petitioner is not introducing any new cause of action and the amendment did not alter the structure of the suit. Liberty has already been given to the respondents to seek a relief of partition. When a



relief of partition is prayed for, all the properties available for partition shall be included in the suit so as to adjudicate the case in a comprehensive way otherwise there is a chance of dismissal of the suit on the ground of partial partition.

5. It is the case of the respondents that some other properties are also available for partition. Therefore, they wanted to include those properties. If it is the case of the petitioner that properties sought to be introduced by way of amendment are not available for partition, it is always open to the petitioner to file written statement and raise defenses regarding the non-availability of the new properties sought to be included by way of amendment. Therefore, this Court feels that in order to comprehensively adjudicate the case and to prevent the multiplicity of proceedings, the amendment sought for by the 1st respondent is absolutely necessary. The Trial Court rightly allowed the amendment application. I do not find any error in the impugned order passed by the Trial



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Court. Accordingly, the civil revision petition stands dismissed.

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6. It is open to the petitioner to file additional written statement and raise all objections. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes/No

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To

The District Munsif Court, Arakkonam, Ranipet District.



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