



WEB COPY



C.R.P.No.5565 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5565 of 2025

and

C.M.P.No.27906 of 2025

Elumalai

... Petitioner

vs.

Mannu

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 20.09.2025 passed in I.A.No.534 of 2024 in O.S.No.207 of 2013, on the file of the Additional District Munsif Court, Gingee.

For Petitioner : Mr.D.Ashokkumar

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner/plaintiff seeking amendment of the plaint prayer in I.A.No.534 of 2024 in O.S.No.207 of 2013, dated 20.09.2025.



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2. The petitioner herein filed a suit for declaration and for recovery of possession. Though the prayer in the plaint is not properly worded, the plaint has been valued under Section 25(a) of the Tamil Nadu Court Fees and Suits Valuation Act, 1965. Therefore, it is clear that the suit is filed for declaration of title and recovery of possession. Now, the instant application for amendment has been filed seeking introduction of new prayers in the place of old prayer. Now, the petitioner wants declaration of title and recovery of vacant possession. The petitioner/plaintiff also seeks a prayer for injunction restraining the defendant from interfering with plaintiff's alleged possession over the suit property.

3. In the plaint, it was clearly stated by the petitioner that the defendant entered the suit property with an extent of 0.14 cents in Survey No.206/2 and sought for recovery of possession. Now, by way of amendment, the petitioner seeks inclusion of prayer for injunction. The prayer for recovery of possession and prayer for injunction cannot go together. Both the prayers are mutually destructive in nature. Therefore, the Trial Court was justified in rejecting the application filed by the petitioner seeking amendment of the plaint. I do not find any material irregularity or illegality in the impugned



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order passed by the Trial Court in I.A.No.534 of 2024 in O.S.No.207 of 2013, dated 20.09.2025.

4. Accordingly, the Civil Revision Petition is dismissed. No costs.

Consequently, the connected civil miscellaneous petition is closed.

12.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Additional District Munsif Court,
Gingee.



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S.SOUNTHAR, J.

dm

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