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CRP.No.5546 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 12.11.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CRP.No.5546 of 2025 and**  
**CMP.No.27820 of 2025**

R.Santhosh

... Petitioner

Vs.

1. Savithri Naidu  
2. M/s.VR Textiles  
384, Satti Main Road  
Nallur Village,  
Punjaipuliyampatti Village  
Sathyamangalam Taluk,  
Erode-638 459

...Respondents

**PRAYER :**Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the Fair and decreetal order dated 24.09.2025 made in IA No.1 of 2019 in OS No.380 of 2013 on the file of V Additional District Judge, Coimbatore and allow the CRP.

For Petitioners

: Mr.R.Bharath Kumar

**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 1<sup>st</sup> respondent/plaintiff seeking amendment of the plaint so as to delete the prayer for recovery of possession.

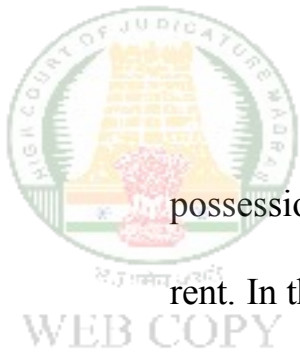
2. The 1<sup>st</sup> respondent/plaintiff filed a suit for recovery of possession and recovery of arrears of rent from 2<sup>nd</sup> respondent herein and the petitioner herein was also arrayed as 2<sup>nd</sup> defendant in the suit though no prayer was made against the petitioner. It was the case of the 1<sup>st</sup> respondent that the property originally belonged to her husband namely V.Radha Krishnan and he executed a gift settlement deed in favour of 1<sup>st</sup> respondent's son namely Vikram R.Naidu. The 1<sup>st</sup> defendant company in the suit was the tenant under settlor and it entered into tenancy arrangement in favour of Vikram R.Naidu. Subsequently, the said Vikram.R.Naidu executed gift settlement deed in favour of 1<sup>st</sup> respondent/plaintiff. Later, the said Radha Krishnan cancelled the settlement deed executed in favour of Vikram R.Naidu and executed a gift settlement deed in favour of 2<sup>nd</sup> defendant. It was also stated that the gift cancellation deed executed by Radha Krishnan was not valid. Therefore, the 2<sup>nd</sup> defendant could not claim any right over the property. It was further stated that 1<sup>st</sup> defendant



company in the suit failed to pay any rent from the month of November 2007 and hence, the suit was laid seeking recovery of possession from the defendants and recovery of arrears of rent from November 2007 to the date of filing of the suit. Pending suit, the 1<sup>st</sup> respondent/plaintiff filed application in I.A.No.1 of 2019 seeking to delete the prayer for recovery of possession. The said application was allowed. Aggrieved by the same, the 2<sup>nd</sup> defendant has come before this Court.

3. The learned counsel for the petitioner/2<sup>nd</sup> defendant submitted that in the affidavit filed in support of the amendment application, the plaintiff asserted her possession over the suit property which was contrary to the original prayer made in the suit. Therefore, allowing of amendment application will cause serious prejudice to the petitioner's right in a separate suit filed by him seeking declaration and injunction.

4. A perusal of the plaint in the present suit would indicate that suit was filed for recovery of possession and recovery of arrears of rent against 1<sup>st</sup> defendant company, the alleged tenant under the plaintiff. No prayer was made against the 2<sup>nd</sup> defendant in the suit namely the revision petitioner. Now, by virtue of this amendment, the plaintiff wants to delete the prayer for recovery of



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possession and the plaintiff is satisfied with the prayer for recovery of arrears of rent. In the body of the plaint, the plaintiff has not introduced any new pleadings asserting possession based on subsequent change of circumstances. In such case, the apprehension expressed by the learned counsel for the petitioner is not well founded. The petitioner/2<sup>nd</sup> defendant cannot be aggrieved by deletion of prayer for recovery of possession against 1<sup>st</sup> defendant by plaintiff especially when no new averments are introduced in the body of the plaint. In view of the matter, I do not find anything to interfere with the order passed by the Trial Court. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

**12.11.2025**

Index : Yes / No

Internet : Yes / No

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To

The V Additional District Judge, Coimbatore

**S.SOUNTHAR , J.**

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