



C.R.P.No.5949 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No. 5949 of 2025

and

C.M.P.No.29422 of 2025

1. Ramachandra Chettiar
 2. Sakthivel Chettiar
- ... Petitioners

Vs.

1. Rathnavel Chettiar
 2. Gunasekaran
 3. Saravanan
- ... Respondents

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, to set aside the fair and decretal order passed in I.A.No.7 of 2023 in O.S.No.142 of 2011 dated 02.08.2025 on the file of the District Munsif-cum-Judicial Magistrate No.1, Hosur, as far as the proposed 2nd amendment is concerned by allowing the present Civil Revision Petition.



WEB COPY



C.R.P.No.5949 of 2025

For Petitioners : Mr.R.Jayaprakash

ORDER

The Civil Revision Petition has been filed challenging the order

passed by the trial Court partly dismissing the application for amendment filed by the petitioners/plaintiffs.

2. The petitioners filed a suit seeking declaration that suit items 1 to 3 are the common properties of plaintiffs 1 and 2 and the first defendant and not an exclusive property of the first defendant.

3. The specific case of the petitioners/plaintiffs is that their father, Gundappa Chettiyar, died in the year 1977 and during his lifetime, a partition was effected among his children. The trial in the suit was



C.R.P.No.5949 of 2025

completed and the matter is now posted for arguments. At this stage, an

amendment application has been filed by the petitioners/plaintiffs seeking

two kinds of amendments in the plaint. Firstly, the petitioners wants to

include the correct date of death of Gundappa Chettiyar by incorporating

exact date i.e., 10.07.1977, instead of the year 1979. The first limb of the

amendment sought for by the plaintiffs was allowed by the trial Court and

there is no dispute with regard to the said amendment.

4. The plaintiffs also wants to include a new paragraph in the plaint

stating that, after the death of Gundappa Chettiyar, there was a partition

among his legal heirs. The new pleadings sought to be introduced by the

plaintiffs are totally contrary to the earlier pleadings in the suit, wherein

the plaintiffs had categorically stated that the partition was effected

during the lifetime of Gundappa Chettiar himself. The trial was already

over and the petitioners/plaintiffs have adduced their evidence in support



C.R.P.No.5949 of 2025

of the averments contained in the original plaint. At this stage, they are attempting to introduce new pleadings that are totally contrary to the earlier one.

5. In the amendment application, the plaintiffs have not stated any reason for their failure to seek the amendment prior to the commencement of trial. In view of the embargo contained in the proviso to Order VI Rule 17 of Code of Civil Procedure, the amendment now sought for by the plaintiffs cannot be permitted. Furthermore, once the evidence of the petitioners/plaintiffs has been recorded, they are not entitled to introduce new pleadings that are entirely contradictory to the original plea in the body of the plaint. Therefore, the dismissal of amendment application with regard to the 2nd amendment does not require any interference by this Court.

6. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be



C.R.P.No.5949 of 2025

no order as to costs.

WEB COPY

26.11.2025

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

ms

To

The District Munsif-cum-Judicial Magistrate No.1,
Hosur.



WEB COPY



C.R.P.No.5949 of 2025
S.SOUNTHAR, J.

ms

C.R.P.No.5949 of 2025
and
C.M.P.No.29422 of 2025

26.11.2025