



CRP.No.5994 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2025

CORAM

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

CRP.No.5994 of 2025
and CMP.No.29688 of 2025

1.K.Rajesh Kumar
2.Kamaladevi

... Petitioners / Defendants

Vs

Madanlal D Chawla

... Respondent / Plaintiff

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair order and final order dated 07.07.2025 made in I.A.No.1 of 2024 in O.S.No.107 of 2022 on the file of Principal District Judge, Salem and pass orders.

For Petitioners : Mr.S.Arjun

For Respondent : Mr.R.Nalliyappan

ORDER

This civil revision petition is filed challenging the order passed by the



CRP.No.5994 of 2025

Principal District Judge, Salem, allowing the application in I.A.No.1 of 2024 in O.S.No.107 of 2022 filed by the respondent / plaintiff seeking to amend the plaint.

2. The respondent/plaintiff filed a suit for specific performance of sale agreement dated 28.09.2020. As per the agreement, the respondent and petitioners entered into a sale agreement in respect of a property having an extent of 78 cents situated in New Survey No.97/2A. However, at the time of filing the suit, in the plaint, the suit property which is the subject matter of agreement, was described as 63 ½ cents excluding the extent of the north-south road.

3. The petitioners herein filed the written statement resisting the suit. In the written statement, the defendants disputed the averment in the plaint regarding the exclusion of north-south road as alleged by the plaintiff. They have contended that 78 cents is available on ground, but whereas in the plaint, the description of property was mentioned at a lesser extent 63 ½ cents.

4. In view of the same, the instant application has been filed by the



CRP.No.5994 of 2025

plaintiff seeking to amend the plaint so as to make the extent of the suit property as 78 cents instead of 63 ½ cents. The said application was allowed by the trial Court. Aggrieved by the same, the petitioners are before this Court.

5. The learned counsel appearing for the petitioners would submit that as per the sale agreement the extent is mentioned as 78 cents and the width of the road is also mentioned as 76 links in the suit sale agreement. In view of the same, the averment made in the plaint as if the width of the road was subsequently extended is not correct.

6. A perusal of the typed set of papers would indicate that the petitioners and respondent have entered into a sale agreement dated 28.09.2020. The sale agreement included in the typed set of papers would indicate that the subject matter of agreement was described as property in New Survey No.97/2A, Komarasampatty Village, Salem Taluk with an extent of 78 cents. However, in the plaint, the said property which is the subject matter of suit, was described as an extent of 63 ½ cents. Now by virtue of this amendment, the plaintiff wants to increase the extent of subject matter of agreement from 63 ½ cents to 78 cents as mentioned in the said sale



CRP.No.5994 of 2025

agreement. In other words, this amendment is only to bring the description of the property in tune with the sale agreement. In such circumstances, the petitioner is not bringing in any new case or fresh cause of action. The amendment sought for by the plaintiff is absolutely necessary to bring the description of the property found in the plaint in tune with the one found in the sale agreement. Therefore, there is no material irregularity or illegality in the order passed by the Principal District Judge, Salem in I.A.No.1 of 2024 in O.S.No.107 of 2022.

7. In the result, the civil revision petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.11.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
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To:

1.The Principal District Court
Salem.

2.The Section Officer

4/6



VR Section
High Court, Madras.

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CRP.No.5994 of 2025



WEB COPY



CRP.No.5994 of 2025

S.SOUNTHAR, J.

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CRP.No.5994 of 2025

27.11.2025