



WEB COPY

CRP.No.6373 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.6373 of 2025 and
CMP.No.31559 of 2025

1. S.Palaniammal
2. R.Sivakamy
3. M.Kalaivani
4. G.Jayamani
5. S.Sathya

... Petitioners

Vs.

1. C.Karuppathal
- R. Rangathal (died)**
2. S.Latha
3. P.Ranganathan
4. R.Palanisamy
5. R.Kalyanasundaram
6. R.Mahalingam
7. R.Sandhiya

...Respondents



PRAYER : Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the fair and final order dated 13.11.2025 passed in I.A.No.6 of 2025 in O.S.No.385 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Annur and allow this civil revision petition.

For Petitioners : Mr.Sanjay N.Gandhi
For Respondents : Mr.V.Suresh
for M/s Shivakumar and Suresh

ORDER

This Civil Revision Petition is filed, challenging the order passed by the trial Court, allowing the application for amendment of the plaint, filed by the respondents/plaintiffs.

2. The respondents herein/plaintiffs, originally filed a suit in O.S.No.272 of 2008 for partition against the petitioners on the file of District Munsif, Coimbatore. Subsequently, the said suit was transferred to the file of District Munsif cum Judicial Magistrate, Annur and re-numbered as O.S.No.385 of 2023. The trial in the suit said to have been commenced during the year 2010. Now, the instant amendment application has been filed by the respondents/



plaintiffs seeking to include a prayer for declaration, declaring the release deed executed by the defendants 2 to 4 in favour of the 1st defendant in document No.13211/2006 was null and void. They also wanted to amend the valuation column and averments, in support of the new prayer. It was further stated that the suit was filed mentioning the colloquial name of the 4th and 5th defendants and now only they acquired knowledge about their official name and hence they also sought for inclusion of the official name of the defendants 4 and 5 in the cause title. The said amendment application was allowed. Aggrieved by the same, the petitioners have come before this Court.

3. The Learned counsel appearing for the petitioners/defendants would submit a perusal of the document filed along with the amendment application would indicate that the certified copy of the release deed was obtained by respondents as early as in the year 2024, but the encumbrance certificate was obtained by them only on 23.03.2025. Hence the present amendment application is belated one and the same was filed after commencement of trial. In such circumstances, the trial court ought not to have allowed the application.



4. A perusal of the affidavit filed in support of the amendment application would indicate that, it was asserted by the respondents that they acquired knowledge about the release deed allegedly executed by defendants 2 to 4 in favour of 1st defendant only recently and immediately after getting knowledge, they filed the instant application seeking amendment. It is not in dispute that, trial in the suit commenced long back. However, even as per the case of the respondents, certified copy of the release deed was applied by the respondents in the year 2024 and encumbrance certificate was obtained by them only in March 2025. In such circumstances, *prima facie*, this Court feels that the respondents acquired knowledge about the release deed only in the year 2024, many years subsequent to the commencement of trial. In such circumstances, the embargo under Order VI Rule 17, CPC is not attracted and the respondents have established the ingredients that inspite of exercise of due diligence, they could not file application for amendment, prior to commencement of Trial . Hence, in order to have comprehensive adjudication of lis, the amendment sought for is very much essential and the amendment sought for regarding the names of the parties are clarificatory in nature. Under such circumstances, I find no serious error in the order passed by the trial Court.



5. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

6. Taking into consideration the suit is of the year 2008, the trial Court is directed to dispose of the suit, as expeditiously as possible.

15.12.2025

Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes/No
MST/shl

To

The District Munsif cum Judicial Magistrate,
Annur



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S.SOUNTHAR, J.

MST/shl

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