



CRP No. 6525 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6525 of 2025 and
CMP.No.32254 of 2025**

Appachi Gounder(died)

1. A.Gunasekaran

2. G.Krishnaveni

Petitioner(s)

Vs

1. A.Sundaram

2.V.S.Vijay

3.G.Guhan

4.Sathya Saravanan

Respondent(s)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India , praying to set aside the Fair and Final order dated 27.10.2025 made in I.A. No. 10 of 2023 in OS No. 72 of 2013 on the file of Principal District Judge, Erode.

For Petitioner(s): Mr.V.Anandhamoorthy

ORDER



The Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the application filed by the respondents 1 and 2 seeking amendment of the plaint.

2. The respondents 1 and 2 filed a suit for partition in respect of various items of the properties.

3. The learned counsel for the petitioners/defendants 2 and 3 confined his arguments with regard to the amendment sought for in respect of item 15 of the suit property. Therefore, we are concerned with the amendment regarding item 15 alone in the civil revision petition.

4. The respondents 1 and 2 filed an application seeking to amend the prayer in respect of item 15 of the suit property. Originally, the respondents 1 and 2 sought for 1/6th share in item 15. Now, they want to amend it as 1/2 share. According to them, at the time of preparation of plaint, by mistake and oversight, the share was mentioned as 1/6 instead of 1/2. Accepting the said plea, the trial court allowed the amendment application. Aggrieved by the same, the petitioners/defendants 2 and 3 have come before this court.

5. The learned counsel for the petitioners vehemently contended that earlier the respondents filed amendment application for inclusion of three items i.e., suit items 13 to 15. The said order was questioned in CRP.Nos.2906 and 4237 of 2017. The amendment was seriously opposed by the petitioners on the



ground that respondents 1 and 2 had no share in item 15 of the suit property.

The said civil revision petition was disposed of with observation that the issue regarding the entitlement of the respondents 1 and 2 to claim share in respect of item 15 to be decided after recording of evidence. Since the very right of the respondents 1 and 2 to claim share in item 15 is under dispute, the trial court ought not have allowed the amendment application. Earlier, the respondents of 1 and 2/ plaintiffs sought for 1/ 6th share in item 15. Now, they want to amend the prayer seeking ½ share. Even without amendment, based on the evidence available on record, if the court comes to the conclusion that the plaintiffs are entitled to half share in item 15, the Court can very well grant the same. Therefore, the amendment sought for by the respondents 1 and 2 is only clarificatory in nature. Therefore, there is no error in the impugned order passed by the trial court.

6. In the earlier CRP, this Court observed that the issue with regard to the entitlement of the respondents 1 and 2 to claim share in item 15 could be decided at the time of final disposal after recording of evidence. Therefore, the petitioners right is very well protected. The impugned order will not affect the right of the petitioners to oppose the entitlement of the respondents 1 and 2 to claim share in Item 15.

7. With this clarification, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.



CRP No. 6525 of 2025



19-12-2025

WEB COPY

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
nr

To
The Principal District Judge, Erode.



WEB COPY

CRP No. 6525 of 2025



S.SOUNTHAR J.
nr

CRP No. 6525 of 2025
and
CMP.No.32254 of 2025

19-12-2025