



WEB COPY

CMP(MD) NO. :



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31-10-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

CMP(MD) NO. 5738 of 2020 IN AS(MD) NO. 153 OF 2020

THIRUMALAISAMY

S/o. Late. Venkatrama Gounder

Thirumalpatti, Kannivadi Post

Kasavanampatti Village

Dindigul Taluk

Dindigul District.

Petitioner(s)

Vs

1. RAJAMMAL

W/o. Late Palanisamy

North Side Palanisamy Garden

Kannivadi Post

Kasavanampatti Village

Dindigul Taluk

Dindigul District.

2. Selvi. Jeyasudha

D/o. Late. Palanisamy

North Side Palanisamy Garden

Kannivadi Post

Kasavanampatti Village

Dindigul Taluk

Dindigul District.

3. Prabhakaran

S/o. Late. Palanisamy

North Side Palanisamy Garden

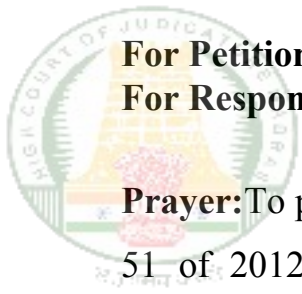
Kannivadi Post

Kasavanampatti Village

Dindigul Taluk

Dindigul District.

Respondent(s)



For Petitioner(s): H.Lakshmi Shankar

For Respondent(s): Mr.B.Alagesh



Prayer: To pass an order permitting the Appellants / Plaintiffs to amend the Plaint in O.S.No. 51 of 2012 dated 13.09.2019 on the file of the Principal District Judge, Dindigul, in accordance with the particulars of amendment mentioned herein below, relating to relief of refund of advance amount.

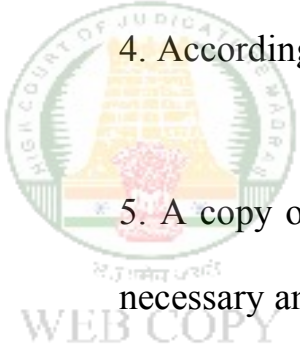
ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

This application has been filed seeking to amend the relief sought in the suit in OS No.51 of 2012 to also include an alternate prayer seeking return of the advance amount paid.

2. The suit in OS No.51/2012 had been filed seeking specific performance of an agreement dated 24.02.2012. In the relief, specifically the return of advance amount has not been sought. It is seen from the records that the trial Court had granted the relief of return of advance amount paid under one particular agreement but the case of the appellant is for another agreement and therefore, unless specifically relief is sought, he would not be able to get any relief.

3. A counter has been filed. However since all the issues have to be examined surrounding the agreement that has been entered into between the parties, we hold that it would be appropriate that this amendment would be permitted.



4. Accordingly, the application is allowed. Registry to carry out necessary amen

5. A copy of this order shall be forwarded to the District Court, Dindigul, for carrying out necessary amendment in the suit register in OS No.51/2012 regarding the relief sought by the plaintiff.

6. The appellant is directed to file an amended plaint copy both before the trial Court and before this Court.

Post on 19.11.2025.

(C.V.KARTHIKEYAN J.) (R.VIJAYAKUMAR J.)
31-10-2025

RR

To

1. The Principal District Judge, Dindigul

2. RAJAMMAL

W/o. Late Palanisamy
North Side Palanisamy Garden
Kannivadi Post, Kasavanampatti Village
Dindigul Taluk, Dindigul District.

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