



C.R..P.(PD)(MD).No.408 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.408 of 2022
and
C.M.P.(MD)No.1809 of 2022

Sekar

...Petitioner

Vs.

James (died)

1.Subramanian
2.Vasanthakumari
3.Selvanayagam
4.Samuel
5.Amirtharaj
6.Gracy
7.Alice Ruby
8.Sapthika Mary

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 04.10.2021 made in I.A.No.321 of 2019 in O.S.No.177 of 2013 on the file of the Sub Court, Uthamapalayam.



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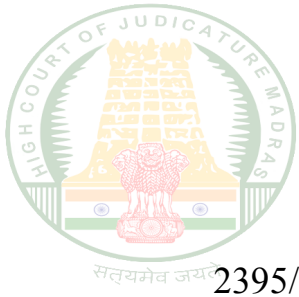
For Petitioner : Mr.K.Guhan
For R1 & R2 : Mr.K.Prabhu
For R3 to R5 : No Appearance

ORDER

This Civil Revision Petition is filed challenging the fair and decreetal order dated 04.10.2021 made in I.A.No.321 of 2019 in O.S.No.177 of 2013 on the file of the Sub Court, Uthamapalayam.

2.The petitioner filed a suit for declaration, permanent injunction and recovery of possession in O.S.No.177 of 2013. During the pendency of the suit, the petitioner filed an application in I.A.No.321 of 2019 under Order VI Rule 17 of CPC for amending the survey number mentioned in the plaint as Old Survey No.2395/1B, 2 part, New Survey No.3241/21 instead of Survey No.2393/1A1B2. The said petition was dismissed. Challenging the same, the petitioner has filed the present Civil Revision Petition.

3.The learned counsel for the petitioner submitted that the petitioner recently came to know that fact that in the patta granted in favour of the petitioner, the survey number has been mentioned as Old Survey No.



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2395/1B, 2 part, New Survey No.3241/21. However, in the plaint, grama natham survey number has been wrongly mentioned. Hence, he sought amendment. Further, by amending the original survey number in the plaint, no prejudice would be caused to the respondent. Further, the amendment is not even hit by limitation. In the absence of any prejudice to the defendants and also when the amendment is not hit by limitation, the application filed by the petitioner was dismissed.

4.Per contra, the learned counsel for the respondents 1 and 2 would submit that admittedly, the petitioner /plaintiff filed the suit only on the basis of the settlement deed dated 06.09.2013. In the settlement deed, the survey number of the property is mentioned as Survey No.2393/1A1B2. However, the petitioner filed the present amendment application introducing new survey number stating that in the patta, the survey number of the property is mentioned as Old Survey No.2395/1B, 2 part, New Survey No.3241/21. Hence, the petition filed by the petitioner was rightly dismissed and the same need not be interfered.



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5.Heard the learned counsel appearing on either side and perused the materials placed on record.

6.Admittedly, the petitioner filed the suit on the basis of the settlement deed dated 06.09.2013 claims to be executed in his favour. However, the petitioner filed the present amendment application, seeking to amend the plaint on the basis of the patta, which is marked as Ex.P1. When the petitioner filed the suit on the basis of the settlement deed executed in his favour, he cannot sought to amend the plaint based on the revenue records. If such amendment is allowed, the entire cause of action will be changed. Thereby, the trial Court has rightly dismissed the petition and the same need not be interfered.

7.Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Sub Court, Uthamapalayam.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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