



C.R..P.(PD)(MD).No.621 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.621 of 2025

and

C.M.P(MD) No.3387 of 2025

1. Natarajan

2. Senthoorpandi

... Petitioners/
Respondents 1 and 7/
Defendants 1 and 7

Vs.

1. Selvam

2. Somalingam

3. Muthupandi

4. Kumaran

5. Senthil

6. Ramamoorthy

7. Ganesan

8. Sivasubramanian

... Respondent/Petitioner/
Plaintiff

...Respondents 2 to 6/
Respondents 2 to 6/
Defendants 2 to 6

... Respondents 8 and 9/
Respondents 8 and 9/
Defendants 8 and 9



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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 02.01.2025, passed in I.A.No.2 of 2024 in O.S.No.9 of 2021, on the file of the learned District Munsif, Mudukulathur.

For Petitioner : Mr.K.K.Samy

ORDER

The defendants 1 and 7 in O.S.No.9 of 2021 on the file of the District Munsif Court, Mudukulathur, have filed the above Civil Revision Petition, challenging the allowing of an application filed under Order VI Rule 17 of C.P.C, permitting the plaintiff to amend the plaint.

2. The first respondent herein has filed the above said suit for the relief of permanent injunction, wherein the suit property is shown as a vacant site. The defendants have filed a written statement contending that they have put up construction in the suit schedule property. The plaintiff has filed I.A.No.2 of 2024 under Order VI Rule 17 of C.P.C, to amend the prayer in the plaint to incorporate the prayer for recovery of possession and for mandatory injunction for removal of building. The said application has been allowed. Challenging the same, the present Civil Revision Petition has been filed.



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3. According to the learned counsel appearing for the revision petitioners, even in the written statement, a plea has been raised with regard to the existence of the building. Belatedly, the present application has been filed seeking to introduce a prayer for mandatory injunction. He further contended that the suit was filed with a prayer for permanent injunction and now it is altered as a suit for recovery of possession and therefore, the entire cause of action gets altered and the present amendment application ought not have been allowed.

4. Heard the learned counsel appearing for the petitioner and perused the material on record.

5. A perusal of the records reveal that the suit has been filed for the relief of permanent injunction restraining the defendants from putting up any construction over the suit schedule property as if the suit schedule property is a vacant site. The defendants have filed a written statement contending that they have already put up construction in the suit schedule property. The suit has been filed on 06.01.2021. The written statement has been filed on 18.08.2021. The present application for amendment of plaint has been filed



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on 09.07.2024 to incorporate a prayer for recovery of possession and mandatory injunction. Since the original prayer in the plaint is for injunction and not to put up construction, the present prayer for recovery of possession and mandatory injunction would not alter the cause of action. In such circumstances there are no merits in this Civil Revision Petition.

6. Accordingly, this Civil Revision Petition stands dismissed with liberty to the defendants to raise all the defences during trial. Considering the fact that the suit is of the year 2021, the trial Court is directed to dispose of the suit in O.S.No.9 of 2021 on or before **31.12.2025**. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

03.03.2025

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

1. The District Munsif Court,
Mudukulathur.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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