



C.R.P.(NPD)(MD)No.1897 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.1897 of 2025

and

C.M.P.(MD)No.10610 of 21015

1.Chinnakaruppan

2.Rajendran

...Petitioners

Vs.

P.Jayalakshmi

... Respondent

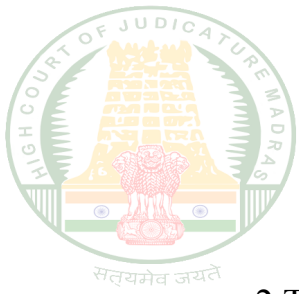
PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the decree passed in I.A.No.5 of 25 in O.S.No.252 of 2014 dated 07.04.2025 on the file of the District Munsif, Melur, Madurai Distirct.

For Petitioners : Mr.K.P.Thiyagarajan

For Respondent : Mr.J.Gunaseelan Muthaiah

ORDER

This Civil Revision Petition is filed challenging the order passed in I.A.No.5 of 25 in O.S.No.252 of 2014 dated 07.04.2025 on the file of the District Munsif, Melur, Madurai Distirct.



WEB COPY

2.The respondent is the plaintiff in the suit in O.S.No.252 of 2014 filed for recovery of possession as against the petitioners herein and the said suit was decreed. Thereafter, the petitioner filed an application in I.A.No.5 of 2025 seeking amendment in the decree. The said application was allowed. Challenging the same, the petitioners/defendants filed the present petition.

3.The learned counsel for the petitioners submits that the petitioner filed the amendment application after three months from the date of decree. Further, as against the original judgment and decree, the petitioners filed an appeal and the same is pending before the Lower Appellate Court. Pending appeal, the judgment and decree passed in the suit cannot be allowed to be amended, which will cause prejudice to the petitioner. The trial Court without taking note of the said fact, has simply allowed the application of the petitioner and the same is not sustainable. Hence, he prayed for appropriate orders.

4.The learned counsel for the respondent submits that admittedly, the plaintiff schedule property in O.S.No.252 of 2014 and the property in the appeal in A.S.No.495 of 2013 filed by the petitioners is one and the same. The first appeal was also dismissed on 21.09.2024. He would further submits that during the pendency of the suit, initially the respondent/plaintiff filed an application in



I.A.No.4 of 2025 seeking amendment of the plaint schedule property alleging that in the plaint, the survey number of the property was wrongly mentioned and the boundaries of the property was also wrongly mentioned. The said petition was contested and allowed on 30.07.2024. However, in the decree and judgment of the suit, the description of the properties was mentioned as per the plaint schedule instead of the amendment application. Therefore, the respondent/plaintiff filed the present application in I.A.No.5 of 2025 seeking amendment in the plaint based on the amended plaint. Therefore, the order of the trial Court need not be interfered.

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

6.The facts in the present case are not in dispute. It is an undisputed fact that in the original plaint filed by the respondent/plaintiff for recovery of possession, the boundaries mentioned by the plaintiff, was amended in the year 2014. However, in the decree, the property was wrongly mentioned as per the original plaint. Therefore, the petitioner filed I.A.No.5 of 2025 seeking amendment in the plaint on the basis of the order passed in I.A.No.4 of 2024. The trial Court after considering the context of the case, has rightly allowed the said application and the same need not be interfered.



C.R.P.(NPD)(MD)No.1897 of 2025

WEB COPY

7. Accordingly, this Civil Revision Petition is dismissed. If the petitioners are having any grievances, they can very well ventilate their grievances by way of appropriate proceedings. No costs. Consequently, connected miscellaneous petition is closed.

25.07.2025

Index : Yes/No
Internet : Yes / No
ta

To

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



WEB COPY



C.R.P.(NPD)(MD)No.1897 of 2025

M.DHANDAPANI,J.

ta

C.R.P.(NPD)(MD)No.1897 of 2025

25.07.2025