



C.R.P.(MD)No. 1857 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1857 of 2025

and

C.M.P.(MD)No. 10257 of 2025

M.Raj

...Petitioner

Vs.

1.R.Ganthimathi
2.R.Narayanan
3.R.Subbaiah

...Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, praying to set aside the order in I.A.No.10 of 2023 in O.S.No. 541 of 2009 dated 09.06.2025 and on the file of Hon'ble Additional District Munsif, Tenkasi District.

For Petitioners : Mr.F.Deepak

For Respondents : Mr. N.Ganagasapapathy



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ORDER

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This Civil Revision Petition has been filed seeking to set aside the order in I.A.No.10 of 2023 in O.S.No.541 of 2009 dated 09.06.2025 and on the file of Hon'ble Additional District Munsif, Tenkasi District.

2.Learned Counsel for the petitioner would submit that originally the land in S.No.149/1 in Oormelazhaghiyan Village, Kadayanallur Taluk, Tenkasi District to an extent of 77 cents belonged to one ARS.Ramalingam, who is the first plaintiff in O.S.No.541 of 2009. In the year 2003, one Jeganathan, claiming to be the owner of the aforesaid land executed a gift deed in favour of one Murugesan, Somasundaram and Natarajan, who are said to be the office bearers of Arulmigu Kilikuttu Karuppan Rasa Rasathi Amman Trust to an extent of 2.6 cents and registered documents before Sub-Registrar, Idaikal, Tenkasi District as document No.1223 of 2003 dated 25.07.2003. Thereafter, he executed another gift deed in the year 2006 to his wife one Thayammal to an extent of 70 cents vide Document No.1084 of 2006 dated 09.06.2006. Thereafter, his wife Thayammal had executed power of attorney to one Dr.Nalla Muthu for the lands in S.No.149/1, Oormelazhaghiyan Village, Kadayanallur Taluk, Tenkasi District, to an extent of 70 cents based on the gift deed dated 09.06.2006.



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Knowing about the said transaction, the original plaintiff namely ARS Ramalingam had filed a suit in O.S.No.541 of 2009, on the file of the Additional District Munsif Court, Tenkasi, for permanent injunction as against the defendants from in any manner whatsoever from disturbing with the peaceful possession and enjoyment of the suit property; for declaration that the gift deed executed by the first defendant therein in favour of the respondents 4 to 6 on 25.07.2003 as per Document No.1222 of 2003 as void; for the relief of declaration to declare the settlement deed executed by the first defendant on 09.06.2006 in favour of his wife as void; for declaration of the power of attorney executed by the second defendant in favour of third defendant dated 06.07.2006 as void and for other reliefs.

3.Further, the original plaintiff averred in the plaint that total extent owned by him is 85 cents, out of which he alienated 8 cents in favour of one Arunachala Naicker and thereafter, he retained 5 cents and balance 72 cents cents was alienated in favour of the petitioner on 19.02.2013 in Document No. 1158 of 2013. Thereby, the petitioner was impleaded as second plaintiff in O.S.No.541 of 2009 through I.A.No.578 of 2014. Subsequently, the decree was passed to an extent of 77 cents instead of 72 cents and the decree was passed in favour of the petitioner / second plaintiff. After the decree, the legal heirs of the



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original plaintiffs namely respondents 1 to 3 filed I.A.No.10 of 2023 for amendment of the decree under Section 152 of CPC and the said I.A. was allowed. Challenging the same, the present Civil Revision Petition is filed.

4.Learned Counsel for the petitioner further submitted that one Murugesan who happened to be the fourth defendant in the suit, filed I.A.No.1 of 2020, seeking to condone the delay of 1680 days in setting aside the ex-parte order. The said I.A. was dismissed, against which the fourth defendant filed C.R.P.(MD)No.1376 of 2021. This Court by its order dated 28.02.2022 confirmed the order passed in I.A.No.1 of 2020 and dismissed the said CRP. This Court arrived at a conclusion that without perusing the documents produced by the petitioner straightaway decreeing the suit for 77 cents is illegal and thereby set aside the judgment and decree passed in O.S.No.541 of 2009 dated 06.07.2015 and directed the trial Court to reopen the suit in O.S.No.541 of 2009 and peruse all the documents and evidences produced by the plaintiff and pass a decree, however, refused to grant permission to the fourth defendant Murugesan, to contest the decree.

5.As against the aforesaid order, the petitioner preferred SLP before the Hon'ble Apex Court and the Hon'ble Apex Court set aside the order passed



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by this Court and restored the CRP back to this Court for reconsideration.

Pursuant to which, this Court by its order dated 20.04.2023 issued a direction granting liberty to the respondents 1 to 3 who are the legal heirs of the original plaintiff to file appropriate application under Section 152 of CPC before the trial Court. Pursuant to which, the respondents 1 to 3 filed I.A.No.10 of 2023, before the trial Court for amendment of the decree under Section 152 of CPC and the said I.A. was allowed. Challenging the same, the present Civil Revision Petition has been filed.

6.Learned Counsel for the petitioner would submit that admittedly, the respondents' father namely A.R.S.Ramalingam filed I.A.No.578 of 2014 before the trial court and he made it clear that the entire extent was alienated in favour of the petitioner, thereby he sought to implead the petitioner as the second plaintiff and the same was allowed. The same was not questioned by the respondents. Further, the boundaries and extent in the documents purchased by the petitioner from the respondents' father namely A.R.S.Ramalingam, clearly reveals that the total extent purchased by the petitioner is 72 cents however, the trial Court without perusing the entire documents in toto, allowed the I.A. by amending the decree to an extent of 60 cents. Since the same is not sustainable, he prays for dismissal of the order passed by the trial Court in I.A.No.10 of



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2023, amending the earlier decree and prays for allowing this Civil Revision
Petition.

7.In support of his contention, learned Counsel for the petitioner relied upon the decision of this Court in the case of *Maruthai and another Vs. Visalakshi Ammal and others* reported in *2011 1 L.W. 858*. The I.A. for amending the decree under Section 152 is allowed only on the act of the Court of law which ought not to have been prejudicial to any individual. However, in the present case, sale deed executed by A.R.S.Ramalingam clearly shows that the petitioner purchased only 72 cents which was not properly appreciated and hence, the same warrants interference by this Court.

8.Per contra, learned Counsel for the respondents would submit that admittedly, the respondents' father is the original plaintiff who filed a suit as against the person who created forged documents without any title and in the plaint itself he made it clear that entire extent owned by the respondents' father A.R.S.Ramalingam is 85 cents, out of which prior to filing of the suit, he alienated 8 cents in favour of Arunachala Naicker and he possessed only 77 cents out of which he retained 17 cents and alienated 60 cents in favour of the petitioner. Thereafter, the original plaintiff after alienation of 60 cents in favour



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of the petitioner vide Document No.1158 of 2003 dated 19.02.2013, filed I.A.No.578 of 2013 to implead the petitioner as the second plaintiff. This Court must appreciate the *bonafide* approach of the respondents' father in filing proper application and allowing the petitioner to contest the decree. However, the trial Court decreed the suit to an entire extent of 77 cents instead of 60 cents and thereby, said error was noticed by this Court and this Court in the earlier C.R.P. (MD)No.1376 of 2022, set aside the decree in respect of the claim of the respondents alone. Subsequently the Hon'ble Apex Court set aside the order passed by this Court and remanded the matter back to this Court and thereby, this Court granted the liberty to file the I.A. Thereby, the respondents filed the present I.A.No.10 of 2023 before the trial Court to amend the decree, which came to be allowed. Hence, he prays for dismissal of this Civil Revision Petition.

9. Heard the learned Counsel for the parties.

10. Admittedly, the facts in the present case is not in dispute and the relationship between the parties is also not in dispute. The respondents' father / original plaintiff filed a suit in O.S.No.541 of 2009, on the file of the Additional District Munsif Court, Tenkasi. During the pendency of the suit, since the



respondents' father alienated a portion of his property in favour of the petitioner through sale deed dated 19.02.2013, he filed I.A.No.578 of 2014, for impleading the petitioner in the said suit, which came to be allowed by the trial Court and the petitioner came to be impleaded as the second plaintiff in the suit. Thereafter, the suit was decreed to an extent of 77 cents and aggrieved by the same, the respondents herein, being the legal heirs of the original plaintiff filed the present I.A.No.10 of 2023, before the trial Court to amend the decree to an extent of 60 cents.

11.In the present case, the petitioner is claiming right only through Document No.1158 of 2013 dated 19.02.2013. A perusal of the said document clearly reveals that the original alienation in favour of the petitioner is only to an extent of 60 cents. However, the decree was granted to an extent of 77 cents, which is impermissible in law and the trial court has rightly amended the decree at the instance of the respondents, strictly in terms of Section 152 of CPC. Section 152 of CPC, makes it clear that clerical or arithmetical mistakes in judgments, decrees or orders as well as errors arising from accidental slips or omissions, can at any time be corrected by the Court either on its own motion or on application filed by the parties. The trial Court is vested with the power to amend the decree in terms of Section 152 of CPC. Hence, this Court does not



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find any error warranting interference in the order passed by the trial Court amending the decree.

12.Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

18.07.2025

Internet:Yes/No

Index:Yes/No

MR



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To

- 1.The Additional District Munsif,
Tenkasi District.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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