



C.R.P.(NPD)(MD).No.2251 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2251 of 2025
and
C.M.P.(MD)No.13496 of 2025

S.Radhakrishnan

... Petitioner

Vs.

1. S.Rasaiah
2. S.Chandrasekaran
3. P.Thangavel
4. A.Muniasamy
5. A.Marimuthu
6. Rama
7. Balakrishnan
8. Pothiappan
9. Kalidas

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the fair and decreetal order dated 22.01.2025 passed in I.A.No. 03 of 2024 in O.S.No. 989 of 2024 on the file of Learned Sub-Court, Rajapalayam and pass such further or other orders, as this Honourable Court may deems fit and proper in the circumstances of the case and thus render justice.



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For Petitioner : Mr. M.P.Senthil

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ORDER

This Civil Revision Petition is filed challenging the order dated 22.01.2025 made in I.A.No.03 of 2024 in O.S.No.989 of 2024 on the file of the Sub Court, Rajapalayam.

2.The petitioner is the first defendant in the suit filed by the first respondent/plaintiff in O.S.No.989 of 2024 for partition and declaration. In that suit, the petitioner filed an application under Order VI Rule 7 of CPC for amendment in the plaint. The said application was allowed. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submits that the suit was filed for partition and for declaration. In that suit, the first respondent/plaintiff seeks to amend the plaint stating that there are some corrections in the boundary description by changing the entire cause of action. The trial Court without considering the same, has allowed the interlocutory application filed by the first respondent and the same is not sustainable.



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4.Since no adverse order is going to be passed in this Civil Revision Petition as against the respondents, notice to the respondents dispensed with.

5.This Court perused the order passed by the trial Court in the amendment application and the affidavit filed in support of the amendment application filed by the first respondent. The amendment is sought by the first respondent/plaintiff only on the ground that there are some typographical error in the plaint. No serious prejudice will be caused to the petitioner by allowing the application filed by the first respondent for amendment. The petitioner/defendant can very well canvass all the grounds raised herein before the trial Court at the time of trial by adducing valid evidence and also by way of filing an additional written statement. Therefore, this Court is not inclined to interfere with the order of the trial Court.

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

19.08.2025

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To

The Sub Court, Rajapalayam.

2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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