



CRP(MD). No.2565 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 25/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2565 of 2022
and CMP(MD) No.12595 of 2022**

R.Prakasam

... Petitioner

Vs

K.Muthu

... Respondent

PRAYER :-Civil Revision petition filed Under Article 227 of the Constitution of India,to set aside the the Fair and Decreetal order dated 01-07-2022 passed in IA.No.196 of 2022 in O.S.No.113 of 2020 on the file of the Principal District Munsif Court, Madurai.

For Petitioner : Mr.R.Prakasam

For Respondents : Mr.S.C.Herold Singh

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 01-07-2022 passed in IA.No.196 of 2022 in O.S.No.113 of 2020 on the file of the Principal District Munsif Court, Madurai.

2. The learned counsel for the petitioner would submit that the petitioner is the defendant in OS No.113/2020, which is filed for



CRP(MD), No.2565 of 2022

permanent injunction. In the said suit, the respondent/plaintiff filed an application for amendment of pleading and the said application was allowed. The learned counsel would submit that with the very same allegation, which was sought to be amended, the respondent/plaintiff filed a complaint before the trial Court in CC No.185/2024 and the same is still pending and the same is posted for hearing on 26.08.2025. When that be so, amendment of the pleading subsequent to the suit need not be allowed, which would change the cause of action. Hence, the learned counsel prays for interference.

3. Per contra, the learned counsel for the respondent would submit that when the defendant has intended to encroach upon the property on 11.02.2020, to include the alleged act, such an amendment is sought, which neither affect the cause of action nor any prejudice is caused to the petitioner/defendant and such an amendment sought is not in violation of the Limitation Act and hence, rightly the trial Court allowed the same. The learned counsel therefore, would pray for dismissal.

4. I have considered the rival submissions and perused the materials available on record.



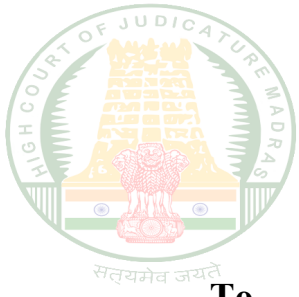
CRP(MD), No.2565 of 2022

5. The respondent/plaintiff filed the suit and pending suit, he filed an application for amending the pleading. In the said amendment, he sought to add an allegation that has been raised against the petitioner/defendant to the effect that the defendant along with others has trespassed into the suit property and made efforts to encroach and to correct the door number by adding new door number. It is also stated that with the very same allegation, the plaintiff has already preferred a complaint before the criminal Court and the same is pending. When the suit is pending, the amendment is sought to be made. A perusal of the amendment sought would go to show that there is no change of cause of action and by amending the pleading, no prejudice would be caused to the petitioner herein and since the amendment has nothing to do with the cause of action, the same was rightly allowed by the trial Court, which, in the considered view of this Court, does not warrant any interference. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

25.08.2025

NCC : Yes/No
Index : Yes/No
RR

3/5



CRP(MD), No.2565 of 2022

WEB COPY

To

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



WEB COPY



CRP(MD), No.2565 of 2022

M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.2565 of 2022**

Date : 25/08/2025