



CRP(MD). No.3693 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08.12.2025

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.3693 of 2025

and

CMP(MD) No.19485 of 2025

Sundaram

... Petitioner

Vs

1.Krishnan

2.Gunasekaran

3.Veerayee

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A.No. 6 of 2025 in O.S.No. 61 of 2024 on the file of the Learned District Munsif Cum Judicial Magistrate, Viralimalai, Pudukkottai District dated 27.10.2025.

For Petitioner : Mr.N. Palaniyandi

ORDER

This Civil Revision Petition is filed challenging the order dated 27.10.2025 made in I.A.No.06 of 2025 in O.S.No.61 of 2024 on the file



CRP(MD). No.3693 of 2025

of the District Munsif cum Judicial Magistrate, Viralimalai, Pudukkottai District.

2.The petitioner/plaintiff filed a suit in O.S.No.61 of 2024 for declaration and permanent injunction. In that suit, the petitioner filed an application in I.A.No.06 of 2025 under Order VI Rule 17 and Section 151 of CPC to amend the plaint. The said application was dismissed. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submits that the petitioner being an illiterate and of advanced age, due to loss of memory and inability to read, could not properly furnish the correct details of the suit schedule property at the time of filing of the suit and as there are some corrections in the boundary description of the property, it is essential that the plaint in O.S.No.61 of 2024 be amended to include the property in S.No.538/4B, measuring an extent of 0.04.00 ares, situated at Kunnathur Village along with the properties already mentioned in the plaint schedule, so as to enable proper and complete adjudication of the matter. He would further submit that the amendment sought for by the petitioner



CRP(MD). No.3693 of 2025

to include the property along with the properties already mentioned in the
plaint schedule will not alter the character of the suit. However, the trial
Court, without considering the same, has dismissed the IA., filed by the
petitioner and the same is not sustainable. Hence, he prays to set aside
the order impugned in this Civil Revision Petition.

4.Since no adverse order is going to be passed in this Civil
Revision Petition as against the respondents, notice to the respondents is
dispensed with. This Court perused the order passed by the trial Court in
the amendment application.

5.Admittedly, the petitioner filed a suit in O.S.No.61 of 2024 for
declaration and permanent injunction. In the said suit, the trial was
completed and the case was posted for arguments. When the matter was
posted for arguments, the petitioner filed an application in I.A.No.06 of
2025 to amend the plaint for including properties along with the
properties already mentioned in the plaint. The trial Court, relying upon
the judgments of the Hon'ble Supreme Court in the case of *Vidyabai and
others Vs. Padmalatha and another* reported in (2009) 2 SCC 409 and



CRP(MD). No.3693 of 2025

the case of *Revajeetu Builders and Developers Vs. Narayanaswamy*

and Sons reported in (2009) 10 SCC 84, had held that if the amendment sought for introduces a new cause of action, which, in turn, alters the scope of the suit, allowing such an amendment after conclusion of evidence, would necessarily re-open the trial and delay the disposal of the case, which cannot be permitted by Courts. As held above, the amendment petition filed by the petitioner will introduce a new cause of action and would protract the proceedings. Thus, such an attempt by way of amendment of plaint cannot be entertained. The issue was rightly appreciated by the trial Court and this Court does not find any illegality or perversity in the order passed by the trial Court.

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

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

08.12.2025

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To

The District Munsif Cum Judicial Magistrate,
Viralimalai,
Pudukkottai District.



CRP(MD). No.3693 of 2025



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CRP(MD). No.3693 of 2025

N.SENTHILKUMAR, J.

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CRP(MD). No.3693 of 2025

08.12.2025