



CRP(MD). No.3730 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.3730 of 2025

and

CMP(MD) No.19681 of 2025

A.Jesus Raja

... Petitioner

Vs

M.Arulraj

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India, to set aside the Fair and Decreetal order in IA No.3 of 2025 in OS No.57 of 2020 on the file of Honourable Sub Court, Valliyoor dated 18.11.2025.

For Petitioner : Mr.P.Ronald

ORDER

This Civil Revision Petition has been filed challenging the order dated 18.11.2025 passed in I.A.No.3 of 2025 in O.S.No.57 of 2020 on the file of the Sub Court, Valliyoor.



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2.The petitioner filed a suit in O.S.No.57 of 2020 before the Subordinate Court, Valliyoor, against the respondent seeking declaration along with other reliefs. During the pendency of the suit, the petitioner filed an interlocutory application in I.A.No.3 of 2025 under Order VI Rule 17 and Section 151 CPC to mention about the tracing of title before 1997 by way of amendment in the plaint. However, the said application was dismissed by the trial Court on 18.11.2025. Aggrieved by the same, the petitioner has filed the present Civil Revision Petition.

3.The learned counsel for the petitioner reiterating all the contentions set out in the memorandum of grounds of Revision would submit that due to inadvertence, the petitioner omitted to set out the antecedent flow of his title prior to 1997 in respect of the plaint schedule property. The omission was neither willful nor wanton. He would further submit that if the amendment is not made, the petitioner will be put to irreparable loss. Therefore, he seeks interference of this Court with the order impugned herein.



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4.In support of his contention, the learned counsel for the petitioner relied upon a judgment of the Hon'ble Supreme Court in CA.No..... of 2024 (**Dinesh Goyal @ Pappu Vs. Suman Agarwal (Bindal) and others**), dated 24.09.2024, wherein, it had been stated as under:-

“11.2.Over the years, through numerous judicial precedents certain factors have been outlined for the application of Order VI Rule 17. Recently, this Court in Life Insurance Corporation of India v. Sanjeev Builders Pvt. Ltd.7, after considering numerous precedents in regard to the amendment of pleadings, culled out certain principles:—

(i) All amendments are to be allowed which are necessary for determining the real question in controversy provided it does not cause injustice or prejudice to the other side. This is mandatory, as is apparent from the use of the word “shall”, in the latter part of Order VI Rule 17 of the CPC.

.....”

5.Heard the arguments advanced by the learned counsel for the petitioner and this Court perused the order passed by the trial Court in the amendment application.



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

7. The suit for declaration was instituted as early as in the year 2020 and the present amendment application has been filed only in the year 2025. The petitioner, without filing an amendment petition immediately, is now attempting to amend the plaint and such amendment is also being sought for after a lapse of 5 years, for which, no satisfactory reasons have been attributed by the petitioner. In fact, the delay caused in the present case defeats the case.

8. No doubt, it is a sensitive proposition that the amendment could be taken up at any point of time, where the petitioner has to show the prejudice which will be caused if such amendments are not available to him. Here, the petitioner wants to mention about his tracing of title before 1997 by way of amendment in the plaint. Tracing of title is a foundation fact of the suit and the plaintiff cannot make any alteration or suggestions at a belated stage and also when the case was posted for trial.



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If such petitions are entertained, it only gives a fresh cause of action and will certainly cause prejudice to the case on hand.

9.The trial Court has also recorded a finding of fact that the petitioner has not provided any explanation for filing the present application after 5 years and the petitioner is not merely elaborating on the tracing of title, as stated in the petition, but is in fact seeking to set up a new and different case, which was not originally pleaded. This Court does not find any illegality or perversity in the order impugned herein.

10.For the aforesaid reasons, I do not find any merit in the Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed as being devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
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The Subordinate Judge, Valliyoor.



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N.SENTHILKUMAR, J.

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