



WEB COPY

CRP Nos. 279 and 282 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP Nos. 279 and 282 of 2026 and

CMP Nos.1402 and 1413 of 2026

In CRP No.279 of 2026

Palanivel, Son of Kandappa Gounder,
Door No.2/35, Kattukottai,
Kuditheru, Thathayangarpatti Village,
Namakkal Taluk, Namakkal District.

..Petitioner(s)

Vs

1. Muthusamy, Son of Perumal Gounder,
Residing at Door No.2/38,
Kattukottai, Kuditheru,
Thathayangarpatti Village,
Namakkal Taluk, Namakkal District.
2. Perumal, Son of Muthusamy,
Residing at Door No.2/38,
Kattukottai, Kuditheru, Thathayangarpatti
Village, Namakkal Taluk, Namakkal District.
3. Rajesh, Son of Muthusamy,
Residing at Door No.2/38,
Kattukottai, Kuditheru, Thathayangarpatti Village,
Namakkal Taluk, Namakkal District.

... Respondents



In CRP No.282 of 2026

1. Palanivel, Son of Kandappa Gounder,

2. Pavayee, w/oPalanivel

both are residing at Door No.2/35, Kattukottai,
Kuditheru, Thathayangarpatti Village,
Namakkal Taluk, Namakkal District.

..Petitioner(s)

Vs

1. Perumal s/o Muthusamy

2. Rajesh s/o Muthusamy

Respondents 1 and 2 are Residing at Door No.2/38,
Kattukottai, Kuditheru, Thathayangarpatti Village,
Namakkal Taluk, Namakkal District.

..Respondent(s)

Prayer in CRP (PD) No.279 of 2026 Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Decreetal Order passed in I.A.No.12 of 2025 in O.S.No.38 of 2020 dated 25.11.2025 on the file of the Additional District Munsif Court at Namakkal by allowing the present Civil Revision Petition and thereby render justice.

Prayer in CRP (PD) No.282 of 2026 Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Decreetal Order passed in I.A.No.11 of 2025 in O.S.No.62of 2022 dated 25.11.2025 on the file of the Additional District Munsif Court at Namakkal by allowing the present Civil Revision Petition and thereby render justice.

For Petitioner(s): Mr. R.Jayaprakash in both revision
 petitions



COMMON ORDER

These Civil Revision Petitions have been filed challenging the orders passed by the Trial Court, dismissing the applications , viz. i) for amendment in O.S.No.38 of 2020, and ii) to delete the averments made in the written statement in O.S.No.62 of 2022, filed by the petitioner.

2. For the sake of convenience, the parties are referred to as per their ranking in CRP No.279 of 2026.

3. The petitioner herein /plaintiff filed a suit in O.S.No.38 of 2020 on the file of Additional District Munsif, Namakkal seeking declaration that the respondents/defendants have no right to take water from the suit well to their property situated in S.No.107/1C and 105/2A 3B and 105/1C2 and for consequential injunction restraining the defendants from irrigating water to the said lands from the suit well. In the plaint, while narrating his case, the petitioner/plaintiff had stated that the first defendant has got separate motor in the suit well and he is taking water to the lands in S.Nos.107/3, 12, 13, 15A. The petitioner also stated that he had no objection for taking water to the above mentioned lands by the respondents for the purpose of cultivation.



4. The respondents 2 and 3 herein also filed a suit in O.S.No.62 of 2022 seeking declaration that the defendants 1 and 2 therein, namely the petitioner herein and one Pavayee have no right to take water from the suit common well for the purpose of irrigating their lands in S.No.106/12, 106/20, 106/10A, 106/7, 106/10B, 107/1A, 107/8. They also sought for injunction restraining the defendants therein from taking water to the above mentioned lands from the suit well. Further, they also sought for mandatory injunction directing the defendants therein to restore the pathway obliterated by them in S.No.106/11. They also sought for permanent injunction restraining the defendants from interfering with plaintiffs' right to take water to cultivate lands in S.Nos.105/1C2, 107/1C, 107/2A, 107/13, 107/12, 107/2B, 107/11, 107/3, 105/2A3B, 107/10A and 107/15A.

5. The said suits were taken together for joint trial and the same was in the stage of further chief examination of DW1. At this stage, the petitioner herein filed two amendments applications. One is to amend the plaint in O.S.No.38 of 2020 and the another is to amend the written statement in the connected suit in O.S.No.62 of 2022. According to the petitioner, he acquired knowledge that the defendants purchased their properties through a sale deed dated 29.11.1990 and in the said sale deed, they have not been given any right to take water to their properties situated in S.No.107/12 and 107/15A.



Therefore, the petitioner wants to delete the averments found in the plaint in O.S.No.38 of 2020 as well as in written statement in O.S.No.62 of 2022 that the defendants have been taking water to their properties situated in various survey numbers mentioned above. The said amendments applications were dismissed by the Trial Court. Aggrieved by the same, the petitioner has come before this court.

6. The learned counsel for the petitioner would submit that only after getting certified copy of the sale deeds in favour of the defendants, the petitioner acquired knowledge that the defendants have not been conferred with any right to take water to their lands situated in S.No.107/15A and 107/12 from the suit common well. Therefore, the instant applications have been filed.

7. It is seen from the records that joint trial in the suits was already commenced and it is in the stage of further chief examination of DW1. Had the petitioner wanted to delete the averments, he should have taken certified copy of the defendants' title documents and verified about their legal rights. Further, the averments sought to be deleted by way of amendment are pertain to the admission made by the petitioner regarding the fact that the defendants have been taking water to their lands situated in survey numbers mentioned above.



The said factual admission made by the petitioner cannot be withdrawn by way of amendment, that too after commencement of trial. If, it is the case of the petitioner that the defendants have no legal right to take water water, it is always open to him to incorporate the said averment in the plaint. However, the admission made by the petitioner that the defendants have been exercising the right of taking water from the suit well to the properties situated in the above said survey numbers is a factual one and the said admission made by him in the pleadings regarding factual position cannot be allowed to be withdrawn. Therefore, I don't find any error in the impugned order passed by the Trial Court to interfere the same.

8. Accordingly, both the civil revision petitions are dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

27-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MST

To

The Additional District Munsif,
Namakkal.



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S.SOUNTHAR, J.

MST

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