



WEB COPY

CRP No. 689 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 689 of 2026

and CMP No.3640 of 2026

D.Sarala, W/o. Duruvan,
No.7/4, Thulukanathamman Street,
Perambur, Jawahar Nagar,
Chennai - 600 082.

..Petitioner(s)

Vs

1. Valencia Antony D Souza
W/o. Mohan Panchalingam,
Res. at No.109/49, Sami Pillai Street,
Choolai, Chennai - 600 112.
2. Mohan Panchalingam S/o. Shree Panchalingam,
Res. at No.109/49, Sami Pillai Street,
Choolai, Chennai - 600 112.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India
to set aside the order passed in I.A No.5 of 2025 in OS No.5648 of 2024 dated
10.12.2025 on the file of the XX Assistant City Civil Court, Chennai.

For Petitioner(s):

Ms. B. Kavya

for Mr..C.S.Srinivasan



ORDER

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This Civil Revision Petition has been filed, challenging the order passed by the Trial Court, allowing the application filed by the respondents seeking to amend the plaint averments.

2. The respondents herein/plaintiffs filed a suit for bare injunction against the petitioner/defendant restraining her from carrying out any further demolition touching on the northern wall of suit A schedule property and thereby affecting the structure of the plaintiffs' suit A schedule Property.

3. It is the case of the respondents/plaintiffs that inspite of interim order passed by the Trial Court, pending suit , the petitioner/defendant proceeded with the demolition work, and demolished the suit B schedule property and caused damage to the building of the respondents in suit A schedule property. Therefore, they filed the instant application seeking to include a prayer for recovery of compensation from the petitioner/defendant. The Trial Court allowed the said application and aggrieved by the same, the petitioner has come before this court.



4. The learned counsel for the petitioner would contend that the amendment sought to be introduced by the respondents would change the very nature of the suit and therefore, the Trial Court committed a serious error in allowing the amendment application.

5. In the counter to the amendment application filed by the respondents, it was stated by the petitioner that the entire building in the suit property was demolished on 02.11.2024. However, it is seen from the typed set of papers that the respondents/plaintiffs filed the suit seeking injunction against the petitioner/defendant on 01.10.2024 itself. Therefore, it is clear that the alleged act of demolition by the petitioner had taken place, during the pendency of the suit. In such circumstances, when the original prayer for permanent injunction becomes inappropriate due to subsequent change of circumstances, the plaintiffs are always entitled to seek amendment of prayer, so as to suit the change in circumstances. The Trial Court, by taking into consideration the said position, has rightly allowed the amendment of averments and also the prayer in the plaint. I do not find any error in the impugned order passed by the Trial Court.



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6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

13-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The XX Assistant Judge,
City Civil Court, Chennai.



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S.SOUNTHAR, J.

MST

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