



WEB COPY

CRP No. 723 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 723 of 2026 and
CMP.No.3785 of 2026**

Ragu Prakash

..Petitioner(s)

Vs

1. K.Swamiyappan
2. S. Saradhamani
3. The Village Administrative Officer
Village Adminisrative Office,
Kavundampalayam, Coimbatore.
4. The Thasildhar (North)
Thasildhar Office, RTO Road,
Coimbatore.
5. The District Collector
District Collector Office, Coimbatore 641 018.

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the Fair and Final Orders dated 04.04.2025 passed in IA.No.6/223 in OS.No. 757/2019 on the file of the Principal District Munsif Court at Coimbatore.

For Petitioner(s):

M/s.D.Jeevitha

for Mr.R.Nalliyappan



For Respondent(s): M/s.V. Arunkumar for R1 and R2
Mr.N.Muthuvel for R3 to R5
Government Advocate (CS)

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial court allowing the application filed by the respondents 1 and 2/plaintiffs seeking amendment of the plaint.

2. The respondents 1 and 2 filed a suit seeking mandatory injunction against the petitioner and others respondents seeking removal of wired fencing and shed put up by the petitioner in S.F.No.247, Kavundampalayam Village. The respondents 1 and 2 also prayed for permanent injunction.

3. The trial in the suit was already commenced and when the suit was in the stage of cross-examination of PW1, the present application has been filed by the respondents 1 and 2/ plaintiffs seeking amendment of the plaint so as to include the chicken shop and mutton shop put up by the first defendant in the suit property. The said amendment application was allowed by the trial court and aggrieved by the same, the petitioner/1st defendant has come before this court.

4. The learned counsel for the petitioner/first defendant submitted that the present application has been filed by the plaintiffs after commencement of the trial. Therefore, the trial court ought not have allowed the same.



5. The respondents 1 and 2 filed a suit seeking mandatory injunction to remove wired fencing and shed put by the first defendant in the suit property. In the affidavit filed by the respondents 1 and 2 in support of the application seeking amendment, it was stated that respondents 1 and 2 sought for removal of the encroachment in S.F.No.247 and they failed to mention the encroachment area in the survey number. In order to avoid legal complications, the present application has been filed to give full description of the alleged encroachment made by the petitioner. Originally, the respondents 1 and 2 sought for removal of fencing and shed. Now, they want to remove the mutton and chicken shop also. The proposed amendment will not change the character of the suit and it is only clarificatory in nature. Allowing of the amendment application will certainly help the court to resolve the dispute between the parties. Therefore, I do not find any serious error in the impugned order passed by the trial court. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

16-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Principal District Munsif Court,
Coimbatore.
2. The Village Administrative Officer
Village Administrative Office,
Kavundampalayam, Coimbatore.
3. The Thasildhar (North)
Thasildhar Office, RTO Road,
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S.SOUNTHAR, J.

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