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C.R.P.(PD) No.1147 of 2



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 12-03-2026**

**CORAM**

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

**C.R.P.(PD) No.1147 of 2026  
and C.M.P.No.5934 of 2026**

1. Mr.T.G.S Ravindhnan

2. Mr.T.G.Murali

Mr.T.K.Govindarajulu (Died)

All are residing at  
No.27/1, New No.4, Vyasar Nagar,  
1<sup>st</sup> Street, Vysarpadi,  
Chennai – 600 039.

3. S.Latha,  
Plot No.9, 15<sup>th</sup> West Cross Street,  
Balaji Nagar Extn,  
Kattur, Trichy 620 019.

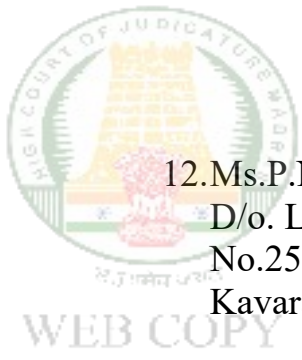
..Petitioners

Vs.

1. Mrs.D.Kasturi,  
W/o. Late Devarajulu Naidu,  
Velliyur Chatiram,  
Velliyur Village & Post,  
Thiruvallur District.
2. Mrs.M.S.Prabhavathi,  
W/o. Late M.Suryaprakasam,  
No.251, Railway Station Road,  
Kavaraipettai - 601201.
3. Mr.M.S.Jayachandran,  
S/o. Late M.Suryaprakasam,  
No.251, Railway Station Road,  
Kavaraipettai 601201.



4. Mr.M.S.Jayaprakash,  
S/o. Late M.Suryaprakasam,  
No.251, Railway Station Road,  
Kavaraipettai - 601 201.
5. Mr.S.Balakrishnan,  
S/o. Late S.Ramanjulu Chetty,  
No.401, Raja Street,  
Kavaraipettai - 601 201.
6. Mr.B.Varadarajulu,  
S/o. S.Balakrishnan and Late S.Revathy,  
No.401, Raja Street,  
Kavaraipettai - 601 201.
7. Mrs.S.Rajalakshmi @ Ranjani,  
D/o. S.Balakrishnan & Late S.Revathy,  
No.404, Raja Street,  
Kavaraipettai - 601 201.
8. Mr.Dinesh,  
S/o. S.Balakrishnan & Late S.Revathy,  
No.401, Raja Street,  
Kavaraipettai - 601 201.
9. Mrs.V.Vanajatchi,  
D/o. Late M.Karikrishna Chetty &  
W/o. M.Veeraragavalu,  
No.361, Railway Station Road,  
Kavaraipettai – 601 201.
- 10.Mrs.P.Leelavathi,  
W/o. Late M.K.Parthasarathy,  
No.251, Railway Station Road,  
Kavaraipettai – 601 201.
- 11.Mrs.G.Devipriya,  
D/o. Late M.K.Parthasarathy,  
No.251, Railway Station Road,  
Kavaraipettai – 601 201.



12. Ms.P.Nivedha,  
D/o. Late M.K.Parthasarathy,  
No.251, Railway Station Road,  
Kavaraipettai – 601 201.
13. Mr.M.K.Babu,  
S/o. Late M.Karikrishna Chetty,  
No.167, Pazhaverkadu Road,  
Kavaraipettai – 601 201.
14. Mrs.C.Nirmala,  
D/o. Late M.Karikrishna Chetty &  
W/o. T.Chennakesavalu,  
No.88-B, Padmanabha Nagar,  
Karumariamman Koil Street,  
Chrompet, Chennai – 600 044.
15. Mrs.B.Manjula,  
D/o. Late M.Karikrishna Chetty &  
W/o. N.R.Baskar Babu,  
No.9/22, Prithivi Pakkam Main Road,  
Ambattur, Chennai – 600 053.
16. Mrs.B.Indira  
W/o. Late M.K.Babu,  
No.167, Pazhaverkadu Road,  
Kavaraipettai – 601 201.
17. Ms.B.Rajashri,  
D/o. Late M.K.Babu,  
No.167, Pazhaverkadu Road,  
Kavaraipettai – 601 201.

..Respondents

This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the impugned order dated 27.01.2026 passed in I.A.No.5 of 2022 in O.S.No.229 of 2014 pending on the file of IV Additional District and Sessions Judge, Thiruvallur at Ponneri.

For Petitioners : Mr.C.Umashankar



## **ORDER**

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This Civil Revision Petition has been filed by the Petitioners challenging the Order dated 27.01.2026 in I.A.No.5 of 2022 in O.S.No.229 of 2014 passed by the learned IV Additional District and Sessions Judge, Thiruvallur, Ponneri.

2. The brief facts of the case are that Petitioners had filed an original suit in O.S.No.229 of 2014 before the IV Additional District and Sessions Court, Thiruvallur, Ponneri against the Respondents 1 to 15 for the following reliefs:

- (i) For grant of preliminary decree for partition and separate possession of the Plaintiffs' 1/9th share each in the plaint 'A' schedule properties by metes and bounds; and
- (ii) For permanent injunction restraining the Respondents 1 to 15, their men, agents, servants or any one claiming under them or acting on their behalf from in any way, alienate or deal with the properties morefully described in the schedule hereto.

While the said suit was at the stage of arguments, the Petitioners had filed an Interlocutory Application in I.A.No.5 of 2022 in O.S.No.229 of 2014 seeking to amend the Plaint in O.S.No.229 of 2014 on the file of IV Additional District and Sessions Court, Tiruvallur, Ponneri. However, the Trial Court vide Order dated 27.01.2026, dismissed the said application. Aggrieved by the same, the Petitioners have filed the present Civil Revision Petition before this Court.



3. The learned counsel for Petitioners submitted that at the time of filing the suit, Petitioners were not in a position to get all particulars with regard to the exact boundaries and extent of the suit schedule properties. During the year 2021, the Petitioners obtained the particulars regarding the exact boundaries of the suit schedule properties from the village records and hence, they had filed I.A.No.5 of 2022 for amending the Plaint. The Trial Court failed to consider the fact that the Petitioners had filed I.A.No.5 of 2022 seeking to amend the plaint schedule properties by adding boundaries to the already existing suit schedule properties and the proposed amendment would not create either any new cause of action or would change the character of the suit. Therefore, the learned counsel prayed that the impugned order may be set aside and this Civil Revision Petition may be allowed.

4. Heard the learned counsel for Petitioners and perused the materials available on record.

5. In the present case, the Petitioners had filed a suit in O.S.No.229 of 2014 for partition and permanent injunction. During the pendency of said suit, they have filed an application in I.A.No.5 of 2022 seeking to amend the Plaint in O.S.No.229 of 2014. However, the Trial Court has dismissed the said application by holding as follows:



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*“14. Upon hearing both side submissions and perusal of records and taking into consideration of the suit is of the year 2014 and the Written Statements had been filed as early as in the year 2018 and as pointed out by the learned counsel for the Respondents 16 and 17 that a specific defence had been taken as to the description, extent and survey numbers of the suit properties in Para No.4 of the Written Statement, the Petitioners/Plaintiffs have not exercised due diligence to carryout the amendment of suit properties before trial beings. Therefore, this Court is of the view that the Petitioners have not exercised due diligence to carryout the amendment as provided under Order VI Rule 17 proviso. It is pertinent to mention here that the Petitioners side witness have categorically put-on notice and asked questions about the defects in the description of the suit property. Since the suit is pending for Petitioners/Plaintiffs side reply argument, as pointed out by the learned counsel for Respondents that the proposed amendments are not clear and new properties have been introduced at this point of time. Therefore, this Court is not inclined to allow this petition.*

*In the result, this petition is dismissed. No costs.”*

6. As far as this case is concerned, Petitioners had filed I.A.No.5 of 2022 seeking to amend the plaint schedule properties by adding boundaries to the already existing suit schedule properties and the amendment sought by the Petitioners would not alter the character of the suit.

7. The Trial Court is a fact-finding Court, but, it failed to consider the fact that the Petitioners had filed the suit for partition and thus, exact boundaries



of the suit schedule properties are necessary to decide the suit. Therefore, in the interest of justice, this Court is inclined to set aside the impugned order passed by the Trial Court and allow this Civil Revision Petition.

8. Accordingly, Order dated 27.01.2026 in I.A.No.5 of 2022 in O.S.No.229 of 2014 passed by the learned IV Additional District and Sessions Judge, Thiruvallur, Ponneri is set aside and this Civil Revision Petition is allowed. As a sequel, Petitioners are permitted to amend the Plaint in O.S.No.229 of 2014 by adding boundaries to the existing suit schedule properties. Considering the fact that the suit is of the year 2014, the Trial Court is directed to dispose of the O.S.No.229 of 2014, after issuing notice and affording an opportunity of hearing to the parties, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

**12-03-2026**

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

To

The IV Additional District and Sessions Judge,  
Thiruvallur,  
Ponneri.



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**T.V.THAMILSELVI, J.**

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