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CRP No. 1146 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

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

CRP No. 1146 of 2026

Gunasekaran
S/o. Mannickavel,
Aarasoor Village,
Vandavasi Taluk,
Tiruvannamalai District.

..Petitioner(s)

Vs

1. Suseela
W/o. Mannickavel,
Aarasoor Village,
Vandavasi Taluk,
Tiruvannamalai District.
2. Varatharajan
S/o. Mannickavel,
Aarasoor Village and Colony,
Vandavasi Taluk,
Tiruvannamalai District.
3. Jeyachithra
W/o. Sunthar,
Block F.I.P. Ranga Flat,
Vedhachalam Nagar,
Selaiyur, Tambaram,
Chennai - 73.
4. Lakshmi
W/o. Perumal,
No.346, Thatti Thoppu,
Murugan Nagar,
Kancheepuram District.



5. The Tahsildar
Taluk office,
Vandavasi Taluk,
Tiruvannamalai District.
6. Village Administrative Officer
Aarasoor Village,
Vandavasi Taluk,
Tiruvannamalai District.
7. The Sub Registrar
Vandavasi Taluk,
Tiruvannamalai District.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art.227 of Constitution of India, praying to set aside the fair and final order dated 20.02.2025, made in IA No.01 of 2022 in OS NO.31 of 2016 passed by the District Munsif Court, Vandavasi.

For Petitioner(s): Mr.B.Jawahar

For Respondent(s): Mr.R.Gokulakrishnan For R3

Mr.C.Sathish,
Government Advocate for R5 to R7

ORDER

Challenging the impugned order passed in I.A.No.01 of 2022 in O.S.No.31 of 2016 by the learned District Munsif Court, Vandavasi, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2.Before the trial court, the Revision Petitioner filed an application under Order VI Rule 17 of C.P.C. seeking to amend the pleadings and the same was



dismissed by the trial judge holding that nearly about 6 years later from the date of plaint, he came forward with the said application belatedly. The trial judge also held that in the year 2016, the suit itself has been filed and now the case is posted for trial, at this stage, the plaintiff filed an application to amend the pleadings including the prayer for declaration as such is illegal. Aggrieved over the said findings, he preferred this Civil Revision Petition.

3. The learned counsel for revision petitioner/plaintiff would submit that originally, he filed a suit for permanent injunction, but the respondents/defendants claiming right and title over the suit property. Now, the trial has also begun, at that time, the revision petitioner/plaintiff came to know that there is a lacuna in the prayer and the same is to be amended, otherwise, his right to defend the case will be defeated. Therefore, he filed the said application to amend the pleadings, but without considering his averments, the trial judge erroneously dismissed the application. Hence, he prayed to set aside the findings of trial judge.

4. The learned counsel for 1st respondent/defendant raised strong objections stating that all these years, nearly about 6 years, the case was dragged on by the revision petitioner/plaintiff by filing one after another interlocutory applications and they are unnecessarily dragged on with the proceedings from pillar to post. Therefore, the findings of trial judge about the conduct of plaintiff is reasonable one, which requires no interference. Accordingly, he prayed to dismiss this Civil Revision Petition.



5. Heard and considered rival submissions on either side and perused the materials available on record.

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6. Originally, the revision petitioner/plaintiff filed the suit for the relief of permanent injunction and now the trial has begun. At that stage, the revision petitioner came forward with the application to amend the pleadings including the prayer for declaration. On perusal of written statement, the respondents/defendants 1 to 4 have pleaded that they are having valid right over the suit property. Therefore, to prove the revision petitioner's claim, he came forward with the said application. So, suitable opportunity is to be given to him to prove his claim, otherwise, his right to defend the case will be defeated. Therefore, this Court is inclined to set aside the findings rendered in I.A.No.01 of 2022 in O.S.No.31 of 2016 by the District Munsif Court, Vandavasi. The revision petitioner/plaintiff is directed to cooperate with the trial proceedings. Since the 1st respondent/defendant, who is mother of plaintiff is aged about 80 years, the trial court is directed to complete the trial and dispose the case within a period of three months from the date of receipt of copy of this order. Accordingly, this Civil Revision Petition is allowed. No costs.

01-04-2026

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

RPP
To
The District Munsif Court, Vandavasi.



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T.V.THAMILSELVI J.

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