



WEB COPY

CRP No. 2357 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**CRP No. 2357 of 2022
and CMP No.12140 of 2022**

K.Raju (Deceased)

1. Lakshmiammal
2. Ganesan
3. Arjunan
4. Pushpa
5. Narmada
6. Gokulakannan
7. Maheshawari

..Petitioner(s)

Vs

1. C.Raju
2. D.Selvam
3. D.Chinnapaiyan
4. Kala

..Respondent(s)

Prayer : This petition to set aside in the Fair and Decretal Order dated 03-12-2021 in I.A.No.17 of 2021 in O.S.No.295 of 2014 on the file of District Munsif Court, Mettur.

For Petitioner(s):	Mr.R.Subramanian
For Respondent(s):	No appearance

ORDER

This Civil Revision Petition has been filed to set aside in the Fair and Decretal Order dated 03-12-2021 in I.A.No.17 of 2021 in O.S.No.295 of 2014 on the file of District Munsif Court, Mettur.



2. The learned counsel for the petitioner would submit that the petitioner's father had instituted a suit for declaration of title and for permanent injunction against the respondents. He would submit that the claim for declaration was on the premise that the father of the petitioner had purchased the property and had registered a sale deed and had been in continuous possession and enjoyment of the property and that the respondents attempted to trespass into the property claiming to obtain an exparte decree against the petitioner's father.

3. A written statement has also been filed relying upon the said exparte decree. The father of the petitioner had died on 16.05.2017 and hence, they got themselves impleaded as party respondent. When they have gone through the plaint, they had found out that certain averments which were required for sustaining the plaint were missed out and hence, sought for an amendment of the plaint including the manner in which the respondents have obtained the fraudulent decree and also of the fact that the Revenue Authorities have issued of the revenue records standing in the name of the deceased plaintiff.

4. The Court below without considering the claim made by the petitioner had partly allowed the amendment by only directing the amendments in respect of the pleadings relating to revenue records, but had denied the amendment with regard to the pleadings of the earlier proceedings, viz., the exparte decree.



5. He would vehemently contend that such pleadings are necessary to sustain the plaint made in the suit. Hence, he would seek indulgence of this Court in allowing the amendment as prayed for by the petitioner.

6. I have considered the submissions made by the learned counsel appearing for the petitioner and have gone through the materials available on record.

7. The Court below had allowed the amendment application in part permitting the amendment in respect of the pleadings regarding the revenue records, but with regard to the amendment sought for to the pleadings in respect of the earlier suit, it had categorically recorded a finding of the fact that even in the plaint filed by the deceased plaintiff, the predecessor is in interest of the petitioners, pleadings with regard to the earlier suit in which an ex parte decree was passed had been made.

8. As pointed out by the Court below, a perusal of the plaint would indicate that a specific pleading with regard to the earlier suit in O.S. No. 559 of 2025 in which an ex parte decree had come to be passed on 12.02.1996 as pleaded to be an ex parte decree, which had been fraudulently obtained and as null and void, has been made.



9. Specific pleadings had also been made as to the summons in O.S. No. 559 of 1995 has also not been served upon the defendant(s) in the suit. When such a pleading had already been made in the plaint, this Court do not find any reason to interfere with the fair and decreetal order impugned in this revision petition.

11. Accordingly, the revision petition fails and the same is dismissed. Considering the suit itself had been instituted in the year 2015 and almost a decade is over, there shall be a direction to the learned District Munsif Court, Mettur to dispose of the suit in O.S. No. 559 of 1995 as expeditiously as possible, but not later than six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No order as to costs.

11-03-2026

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

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K.KUMARESH BABU, J.

Maya

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