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Rev.Appl. No. 152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

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

REV.APPL No. 152 of 2024

AND

CRP NO. 3772 OF 2023

1. Jainambugani
W/o.Late Ziaudeen Ahamed,
at No.24, Periyapalli Street,
T.R.Pattinam, Karaikal District.
2. Shahul Hameed
S/o.Late Ziaudeen Ahamed,
at No.24, Periyapalli Street,
T.R.Pattinam, Karaikal District
3. Sulthan Gavus Malim
S/o.Late Ziaudeen Ahamed,
at No.24, Periyapalli Street,
T.R.Pattinam, Karaikal District
4. Fathimuthu Joharan Nachial
D/o.Late Ziaudeen Ahamed,
at No.24, Periyapalli Street,
T.R.Pattinam, Karaikal District
5. Julaiga Nachial
D/o.Late Ziaudeen Ahamed,
at No.24, Periyapalli Street,
T.R.Pattinam, Karaikal District

..Petitioner(s)



Rev.Appl. No. 152 of 2023

Vs

1. Nazir hussain Malumiar
S/o.Sulthan Abdul Kader Malumiar,
res at NO.10, Kaziar Lane, Karaikal
2. Mohamed Thahir Malumiar
S/o.Sulthan Abdul Kader Malumiar,
res at NO.10, Kaziar Lane, Karaikal

Rep. by Power Agent, Mr.A.Jahir Hussain,
S/o.Ameer Farook,
No.3, Nilakidangu Street, Karaikal District

3. Fathima Beevi
W/o.Shul Hameed,
Res at No.24, Periyapalli Street,
T.R.Pattinam, Karaikal District

..Respondent(s)

CRP No. 3772 of 2023

1. Nazir Hussain Malumiar
 2. Mohamed Thahir Malumiar
- both res. At 10, Kaziar Lane,
Karaikal
both Rep by power agent ,
A.Jahir Hussain
No.3, Nilakidangu Street,
Karaikal.

..Petitioner(s)

Vs

1. Jainambugani
No.24, Periyapalli Street, T.R.Pattinam,
Karaikal District.
2. Fathima Beevi
No.24, Periyapalli Street, T.R.Pattinam,
Karaikal District.



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3. Shahul Hameed
No.24, Periyapalli Street, T.R.Pattinam,
Karaikal District.
4. Sultan Gavus Malim
No.24, Periyapalli Street, T.R.Pattinam,
Karaikal District.
5. Fathimuthu Joharan Nachial
No.24, Periyapalli Street, T.R.Pattinam,
Karaikal District.
6. Julaiga Nachial
No.24, Periyapalli Street, T.R.Pattinam,
Karaikal District.

..Respondent(s)

PRAYER IN REV.APPL No. 152 of 2024

Review Application filed under Order 47 Rule 1 r/w under Sec. 114 of Civil Procedure Code, praying to set aside the order dated 06-11-2023 passed in CRP.No.3772/2023 and further allow this Review Petition and thereby dismiss the CRP

PRAYER IN CRP No. 3772 of 2023

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the Order Decree dated 03-04-2023 in IA.No.2 of 2022 in OS.No.29 of 2018 on the file of District Judge, Karaikal by allowing the above Civil Revision Petition.

For Petitioner(s): Mr. R.Abdul Mubeen

For Respondent(s): Mr.S.Parthasarathy,
Senior Advocate for
Mr.E.A.Kumar for R2

R1 & R3 – No appearance



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ORDER

This Review Application has been filed praying to review the order of this court passed in C.R.P.No. 3772 of 2023 stating that there is an error apparent on the face of record as it was not brought to the knowledge of this court about the details of amendment sought by the respondents and if such amendments are allowed to be carried out in the plaint, it would lead to miscarriage of justice. To that effect, he relied on the ratio laid down in the authority reported in ***(2009) 10 SCC 84, (2009) 10 SCC 626, (2019) 4 SCC 332 and (2024) SCC Online SC 208***, wherein the Hon'ble Supreme Court has time and again reiterated that the amendment cannot be claimed as a matter of right and neither the court has absolute discretion to allow amendment.

2. The learned counsel for Review Applicants would also submit that through entire amendment, the respondents have attempted to introduce a new and an inconsistent view, which would change the entire nature of suit. Therefore, they prayed to review the order passed by this court by annexing the copy of details of amendment sought by the respondents/petitioners in I.A.No.2 of 2022 in O.S.No. 29 of 2018.



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3. The learned senior counsel for 2nd respondent replied that the order of this court passed in C.R.P. No.3772 of 2023 by allowing the Review Applicants to carry out the amendment in the suit as such is sustainable in law with sufficient reasoning, which requires no interference and the reason assigned to review the order as such is not sustainable one. Hence, he prayed to dismiss this Review Application as no merit.

4. Considering both side submissions and on perusal of records, it reveals that the respondents/plaintiffs have challenged the findings of the trial court in I.A.No.2 of 2022, which was filed by them to amend the plaint averments under Order VI Rule 17 of C.P.C. and the same was dismissed by the trial court. Against which, they have preferred an appeal. On hearing both sides, this court allowed the Civil Revision Petition holding that since the respondents wanted to give the details about the title of the property, from whom, they have traced out their ancestor's title and such amendment would not change the nature of suit. Therefore, Civil Revision Petition was allowed.



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5. Thereafter, the Review Applicants/defendants 1 and 3 to 6 have preferred this Review Application stating that the details of amendment was not brought to the knowledge of the court and if such amendment is allowed to be carried out, it would change the fundamental nature of the suit. To that effect, they have produced the details of amendment, which was filed before the trial court by the respondents/plaintiffs. On considering the details of amendment stated in the petition filed by the respondents/plaintiffs under Order VI Rule 17 of C.P.C. in the plaint pleadings, they wanted to add the particulars of amendment, which comes around 1, 2, 3, 4, 5, 6, 7 and 8 paragraphs along with genealogy tree. On seeing the entire amendment, the plaintiffs prescribed the details how they derived the title to the suit property from their ancestors and also by way of purchase in order to explain that the defendants have no right of inheritance in respect of the suit property and claimed on the separate suit. Therefore, the plaintiffs given the details elaborately how they derived the property along with genealogy tree, but they have not added any new prayer nor they have changed the cause of action of the suit. Since the plaintiffs came forward with the suit for declaration, the ancestors of previous title owners is necessary in order to get the findings about the right and title of the plaintiffs or the defendants. Therefore, on considering the entire amendment details, this court again reiterates that those amendments would



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not change the character of the suit. Furthermore, liberty was already granted to the Review Applicants/defendants to submit additional written statement by raising all the defence. Therefore, I do not find any error apparent in passing of the order in C.R.P.No.3772 of 2023. Hence, this Review Application is dismissed as no merit.

24-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

1. Additional Subordinate Judge, Nagapattinam.
2. District Munsif, Nagapattinam.
3. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

RPP

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