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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 2328 of 2024

CNR:{HCMA010775982024}

and

CMP No. 12243 of 2024

Case QR

Ravikumar

..Petitioner(s)

Vs

1. Pon Venkatachalam
2. S.Joseph
3. P.Elango

..Respondent(s)

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order dated 25.07.2023 in I.A.No.1 of 2021 in A.S.No.7/2014 on the file of the Subordinate Court, Sankari and consequently allow the I.A No.1 of 2021 in A.S.No.7 of 2014.

For Petitioner(s): Mr. T.Saikrishnan

For Respondent(s): Mr.P.A.Arvinth Viveks for R3

No Appearance for R2
Notice Not Ready for R1

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ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decretal order passed in I.A.No.1 of 2021 in A.S.No.7 of 2014 on the file of the Subordinate Court, Sankari, where in the application filed by the petitioner/appellant under order VI Rule 17 of Civil Procedure Code to amend the pleadings, came to be dismissed by the Court below.

2. Heard the learned counsel appearing on either side, perused the materials available on record and carefully went through the order passed by the Court below.

3. The suit was filed by the petitioner in O.S.No.75 of 2010 seeking for the relief of permanent injunction. This suit came to be dismissed by Judgment and decree dated 15.04.2014 by the learned District Munsif, Sankari. Aggrieved by the same, the petitioner filed A.S.No.7 of 2014 before the Subcourt, Sankari.

4. During the pendency of the said appeal, I.A.1 of 2021 was filed under Order VI Rule 17 of Civil Procedure Code for amending the pleadings. This application came to be dismissed by the Court below and aggrieved by the same,

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the present revision has been filed before this Court.

5. The Court below while dismissing the said application found that the amendment that has been sought for by the petitioner by including para 3(a) becomes completely unnecessary since the suit has not been filed for declaration but it has only been filed seeking for the relief of permanent injunction. Apart form that, the Court below has also held that there was absolutely no reason as to why such an amendment has been sought for at the stage of appeal.

6. The reasoning given by the Court below does not suffer from any perversity warranting interference of this Court. An amendment sought for at the stage of appeal will have to be rarely allowed in view of the proviso to order VI Rule 17 of CPC. The petitioner did not make out a case to allow the application for amendment and it has been rightly dismissed by the Court below.

7. In result, the order passed by the Court below is confirmed and this revision is dismissed. There shall be direction to the Subcourt, Sankari to dispose of the suit in A.S.No.7 of 2014 within a period of **three (3)** months from the date

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of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

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

ksk

To
The Subordinate Court, Sankari

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N.ANAND VENKATESH J.

ksk

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