



WEB COPY

CRP No. 2348 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

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

CRP No. 2348 of 2026

AND

CMP NO. 10126 OF 2026

Neelanathan
S/o. N.K. Nagan
Thandalam Village and Post
Uthukottai Taluk
Tiruvallur Dist.

..Petitioner(s)

Vs

N.K.Nagan (Died)

1. Santha
W/o. Nagan
Thandalam Village and Post
Uthukottai Taluk
Tiruvallur Dist.
2. Selvam
S/o. Munusamy Reddy
Thandalam Village and Post
Uthukottai Taluk
Tiruvallur Dist.
3. Ambika
W/o. K.E.Srinivasan
Thandalam Village and Post
Uthukottai Taluk
Tiruvallur Dist.
4. Dharani
W/o. Natarajan
Mambedu Village
Mukkarambakkam
Gummidipoondi



5. K.Mahendran
S/o. Kanniyar
Mukkarambakkam
Gummidipoondi

6. R.Poorkodi
W/o. Ramesh Kumar
No.22, Old No. 23,
II Cross Street
Ambigaipuram
Tiruninravur

7. C.Sumathi
W/o. Chinnikrishnan
Plot No. 31, Annai Indira Nagar Annexe
Tirunindravur

..Respondent(s)

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal order dated 20.02.2026 passed in I.A.No. 4 of 2025 in OS No. 67 of 2011 by the Special Subordinate Court for LAOP Cases, Tiruvallur.

For Petitioner(s): Mr.E.Prabu

ORDER

Challenging the impugned order dated 20.02.2026 passed in I.A.No. 4 of 2025 in OS No. 67 of 2011 by the Special Subordinate Court for LAOP Cases, Tiruvallur, the plaintiff has preferred this revision.

2. The plaintiff has filed an application before the trial court under Order VI Rule 17 of CPC to permit to amend the plaint in respect of the shares. The



plaint was amended after impleading his sisters as defendants 7 & 8. But the court below failed to appreciate such application and erroneously dismissed the application. Aggrieved over the same, the plaintiff has preferred this revision.

3. The learned counsel for the revision petitioner submits that the revision petitioner as plaintiff filed the suit for partition before the trial court in the year 2011 and now his sisters also impleaded as defendants 7 & 8 and inclusion of them shares ought to have been amended. The plaintiff submitted that the suit property is an ancestral property in which his sisters are entitled 1/4th share. To that effect, he want to amend the plaint. The said application was objected by the defendants before the trial court stating that after commencement of trial the plaintiff has come forward with such application and by relying the ratio laid down in *Marappan Vs S.Ammasi and 7 Others* reported in *2018(3) MWN (Civil) 776*. The trial judge dismissed the application holding that the plaintiff ought to have applied due diligence to carry out the amendment in the plaint. Since already earlier opportunity was given to amend the plaint, even that time he has not made such amendment. Now one by one he filed applications and therefore, trial court dismissed the application.

4. Considering the fact that the suit was filed in the year 2011 by the revision petitioner / plaintiff claiming share in the property originally against six defendants. Now he included his sisters as defendants 7 & 8 and he wants to



amend the pleading by altering the share and the plaintiff is entitled to 1/4th share in the suit property. But the defendants contested the case by stating that the suit property is self acquired property and it is not an ancestral property as alleged by the plaintiff and also raised another objections by way of amendment that the plaintiff wanted to introduce new cause of action for which he cannot be permissible. But on considering the fact that it is a suit for partition and the plaintiff is entertained to raise all the defence before the trial court, now he impleaded his sisters as parties as defendants 7 & 8. According to the plaintiff, the suit property is an ancestral property though the defendants contested it is a self acquired property and the nature of the property could be decided only after the completion of the trial and not at the part heard stage. Therefore, the plaintiff is entitled to make amendment with regard to the share since he claims the suit property as ancestral property. If it is a self acquired property, then the court has to decide the same after completion of the trial. Therefore, if opportunity is given to the plaintiff as such amendment would not cause any change in the character of the suit. Therefore, the findings of the trial court is set aside. Liberty is granted to the defendants to file an additional written statement and thereafter the court can proceed with the trial. The trial court is directed to dispose of the case within a period of four months from the date of receipt of a copy of this order.



5. Accordingly, this Civil Revision Petition is allowed. The impugned order dated 20.02.2026 passed in I.A.No. 4 of 2025 in OS No. 67 of 2011 by the Special Subordinate Court for LAOP Cases, Tiruvallur, is set aside. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

29-04-2026

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

MTL

To

1. The Special Subordinate Court for LAOP Cases, Tiruvallur.



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T.V.THAMILSELVI J.

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