



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 2185 of 2026
and CMP.No.9536 of 2026
and CMP.No.10276 of 2026**

1. Kishan. R
Proprietor M/s.Colartinstont, No.7/23,
1st Cross Street, T.T.K. Road, Alwarpet,
Chennai 600 018

Petitioner(s)

Vs

1. T. Viswanath alias T.T.Vadivel
S/o.T.P.Thiyagrajan, No.63, Venkat Raman Street,
Triplicane, Chennai 600 005 And alos at Old No.4,
New No.7 Raja Hanumanthala St, Triplicane,
Chennai 600 005

2.T.T.Bhoopalan
S/o.T.P.Thiyagarajan, No.16/3, Leith Castle Centre
St, Mylapore, Chennai 4 Also at No.24/135,
Karpagam Avenue, 4th St, Raja Annamalaipuram,
Chennai 600 004

3.T.T.Sumathi
W/o.R.Rajasekaran, No.5, G-2, VIP Home, Ram
Nagar, 1st Street, Velachery, Chennai 600 042

4.T.T.Sai Latha
W/o.S.Mahendran, No.1A, Sai Nagar, Chinmaya
Nagar, Koyambedu, Chennai. And also at No.5,
Bazaar St, Nesappakkam, Chennai 78

5.T. Girija
W/o.Revikumar, NO.5/11, Jothiramalingam 1st



Street, West Mambalam, Chennai 33.

6.T.T.Hemalatha

W/o.Gunasekaran, NO.16, Ladasamy Koil St,
Kudigadu, Sipcot, Cuddalore.

7.The Sub Registrar

Office of the The Sub Registrar, T.Nagar, No.9,
Jeenis Road, Saidapet, Chennai 600 015.

Respondent(s)

PRAYER in CRP.No.2185 of 2026

To set aside the order dated 17.3.2026 passed in IA.No.15/2026 in OS.No.6007/2019 pending on the file of Learned XV Assistant City Civil Court, Chennai and consequently allow the IA.No.15/2026 in OS.No. 6007/2019 as prayed for and pass such further or other orders and thus render justice.

CMP No. 10276 of 2026

PRAYER

To grant injunction as against the respondent not to alienate the suit property and also direct the 7th respondent not to register any documents relating to suit property in Survey No.6037 at T. Nagar Village in OS No.6007 of 2019 on the file of the Learned XV Assistant City Civil Court, Chennai pending disposal of the above CRP.

CMP No. 9536 of 2026

PRAYER

To stay all further proceedings in OS.No.6007/2019 on the file of the Learned XV Assistant City Civil Court, Chennai.

For Petitioner(s): MR.T.Saikrishnan

For Respondent(s): Mr.AR.L.Sundaresan,
Senior Counsel For
Mr.R.Mahesh Nandhu
For R1 To R6

ORDER

Challenging the impugned order passed by the Trial Court in I.A.No.15 of 2026 in O.S.No.6007 of 2019 dated 17.03.2026, the plaintiff has preferred this Revision Petition.



2. Before the trial Court, the plaintiff preferred I.A.No.15 of 2026 for amendment of paragraph Nos.16 to 20 and cause of action and court fee column and prayer and memo of valuation in O.S.No.6007 of 2019. However, the learned Trial Judge, dismissed the said application. Aggrieved by the same, this revision is preferred.

3. Learned counsel for the revision petitioner raised the following grounds in this revision:-

(i) The trial court erred in dismissing the amendment petition filed by the petitioner to include the prayer in clause (e), namely, “to declare that the cancellation deed dated 29.04.2021 executed by respondents No.1 to 6 and registered as Doc.No.1166 of 2021 at the office of the 7th respondent, thereby cancelling the Power of Attorney dated 30.01.2019 at the office of the 7th respondent, as null and void and not binding on the petitioner.” The said finding of the learned Trial Court that the same is not entertainable is a total misconception and reflects lack of application of mind.

(ii) The trial court ought to have considered that the respondents cancelled the Power of Attorney during the pendency of the above suit; therefore, it is necessary to challenge the same before the Trial Court. Hence, seeking amendment of the prayer is necessary, and without amending the



prayer, the petitioner cannot enjoy the fruits of the decree and judgment.

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(iii) The trial court erroneously dismissed the amendment petition and concluded that the amendment cannot be allowed after commencement of trial, relying on the judgment of the Apex Court in Vidyabai Vs. Padmalatha. The facts of the said judgment are not applicable to the present case as Trial is yet to commence in the present suit and the I.A.No.15 of 2026 was a pre-trial amendment petition.

(iv) The trial court failed to consider prayer (d) in the plaint, namely, “Permanent injunction restraining the 7th defendant, their men, agents, servants, or any other person claiming through them from entertaining any document for cancellation of the Power of Attorney dated 30.01.2019 registered as Document No.876 of 2019 before the 7th defendant.” The suit was filed on 13.08.2019, and during its pendency, respondents No.1 to 6/Defendants No.1 to 6 registered the deed of revocation of Power of Attorney dated 03.05.2021. The said act of the respondents/defendants is illegal and liable to be adjudicated by the Trial Court. Hence, the amendment sought by the petitioner is imperative, necessary, bona fide, and does not cause any prejudice to the other parties.

4. On the above grounds, the learned counsel for the revision petitioner



seeks to set aside the order passed by the Trial Judge.

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5. Learned Senior counsel appearing for the respondents submits that all these years the plaintiff has not taken steps to comply with the terms of Joint Development Agreement and even not filed suit for specific performance but only filed suit for permanent and mandatory injunction in 2019 and now in 2026 filed I.A.No.15 of 2026 to add the relief of declaration to declare that the Cancellation Deed dated 29.04.2021 executed by the defendants 1 to 6 and registered as Document No.1166/2021 thereby cancelling the Power of Attorney dated 30.01.2019 registered as Document No.876 of 2019 at the office of the 7th respondent as null and void and not binding on the plaintiff. The said amendment sought for is made at a very later stage and duly barred by limitation. The learned Trial Judge after analysing the same, given findings and dismissed the I.A., which requires no interference.

6. The dispute in the case on hand is with regard to cancellation of Joint Development Agreement dated 28.11.2018 entered into between the plaintiff and the defendants 1 to 6. Now as on date, the plaintiff wants to add one more prayer with regard to the same property for which Joint Development Agreement was entered into and to declare that the Cancellation Deed dated 29.04.2021 executed by defendants 1 to 6 and registered as Document



No.1166/2021 and thereby cancelling the Power of Attorney dated 30.01.2019 registered as Document No.876 of 2019 as null and void and not binding on the plaintiff. However, the said application was contested by the defendants 1 to 6/respondents 1 to 6 by raising objections that the same is barred by limitation and it cannot be entertained after long years of filing of the suit and the cause of action for the suit as narrated is not relevant to the relief of declaration as claimed now.

7. But all the above submissions is to be heard and tried before the Trial court. Since the suit is for declaration and injunction, the petition for amendment with regard to the relief of declaration in respect of cancellation of Power of Attorney is the consequential relief claimed in the suit which is permissible under law. However the same is subject to limitation etc and all other defence which are raised on the side of defendants 1 to 6 is to be raised before the Trial Judge.

8. The facts of the case reveals that the respondents 1 to 6 /defendants 1 to 6 being the owners of the property is entitled to offer terms with third party which was objected by the plaintiff. But considering the facts and circumstances of the case, after completion of the construction, the defendants 1 to 6 / respondents 1-6 herein are directed to keep three flats without any encumbrance



till the disposal of the suit. The defendants 1 to 6 are granted liberty to file additional written statement, if any, before the Trial court and take the defence before the Trial Court.

9. Further, the trial Judge is directed to dispose of the suit in O.S.No.6007 of 2019 within a period of four months from the date of receipt of a copy of this order.

10. The Civil Revision Petition is disposed of with the above directions. In view of the disposal of the Revision Petition as aforesaid, interim stay granted is vacated. No costs. Consequently, connected MP is closed.

29-04-2026

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

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Note: Issue order copy on 30.04.2026



To

1. The XV Assistant City Civil Court, Chennai

2. The Sub Registrar

Office of the The Sub Registrar,
T.Nagar, No.9, Jeenis Road, Saidapet,
Chennai 015.

3. The Section Officer, V.R.Section, High Court, Madras.



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T.V.THAMILSELVI J.

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