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CRP.No.2409 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

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

CRP No. 2409 of 2025 & CMP.No.13879 of 2025

1. K.Selvaraj
S/o. Kandasamy, No.47,KS Paby Illam, Dr.
Radhakrishnan Nagar, Udumalpet Town,
Tiruppur - 126, Tamil Nadu.

2. S. Radhika
W/o. K. Selvaraj, No.47, KS Paby Illam, Dr.
Radhakrishnan Nagar, Udumalpet Town,
Tiruppur -126, Tamil Nadu.

..Petitioner(s)

Vs

1. Mani
S/o. Natchimuthu, No.4/159, Ranger Garden
Mill Quarters, Majara Santhipalayam, Ketti
Seviyur Village, Sokkumaraipalayam,
Gobichettipalayam Taluk (Now Nambiyur
Taluk), Erode District.

2. Premalatha
W/o. Mani, No.4/159, Ranger Garden Mill
Quarters, Majara Santhipalayam, Ketti Seviyur
Village, Sokkumaraipalayam,
Gobichettipalayam Taluk (Now Nambiyur
Taluk) Erode District.

..Respondent(s)



CRP.No.2

Prayer : Civil Revision Petition has been filed under Article 227 of Constitution of India to set aside the impugned order dated 28.11.2024 passed in IA No.5/2024 in OS NO.798 of 2022 on the file of the Learned IV Additional District Judge, at Udumalpet.

For Petitioner(s): Mr.Prakash Adiapadam

For Respondent(s) : Mr.S.A.Syed Shuhaibb

ORDER

Challenging the impugned Order passed by the trial Court in I.A.No.5 of 2024 in O.S.No.798 of 2022, the present Civil Revision Petition has been preferred by the defendants.

2. The respondents/plaintiffs had filed the suit for partition of the suit property in two equal shares and allot one such share to the plaintiffs and for separate possession. Pending suit, the plaintiffs have filed an application for amendment of the plaint. The said application was opposed by the defendants stating that the defendants have pointed out defects in the application filed to reject the plaint and to fill up the lacuna, the plaintiffs are seeking to amend the plaint. The trial Court on hearing both sides had



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allowed the application for amendment. Challenging the same, the present Civil

Revision has been preferred by the defendants.

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3. The learned counsel appearing for the petitioners would submit that since the identity of the property itself is in dispute and false date mentioned in the cause of action would amount to fundamental flaw in the plaint, the same cannot be cured by way of amendment. Hence, prayed to set aside the Order of the trial Court.

4. A perusal of the records reveal that 2996 sq.mt. land in the first item of the suit property was acquired by the Highways Department and the remaining portion of 0.96 is sought to be amended. The other amendments sought by the petitioner are only typographical errors, which will not alter nature of the suit. Hence, the trial Court has rightly allowed the application, which needs no interference.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

11.03.2026



CRP.No.2.100.01.2020

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

The IV Additional District Judge,
Udumalpet, Tiruppur.



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T.V.THAMILSELVI, J.

vrc

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