



C.R.P.No.2156 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.2156 of 2025
and C.M.P.No.12648 of 2025

S.Murugesan

... Petitioner

vs.

Palaniappan

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal order dated 17.04.2025 made in I.A.No.4 of 2025 in O.S.No.146 of 2023 on the file of the Additional District Judge, Dharmapuri and to allow the Civil Revision Petition.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.R.Raman Laal

ORDER

The Civil Revision Petition is filed challenging the order passed by the Additional District Judge, Dharmapuri in I.A.No.4 of 2025 in O.S.No.146 of 2023, dated 17.04.2025 allowing the application for amendment of plaint filed by the respondent/plaintiff.



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2. The respondent herein filed a suit in O.S.No.146 of 2023 for Specific Performance in respect of the property situated in Survey No.197/3.

3. The petitioner herein filed a written statement denying the execution of the agreement. The petitioner also raised a plea that the property was sub-divided and the respondent has not given the proper sub-division number.

4. The trial in the suit is already commenced and now, the suit stands in the stage of DW.1 cross. At this stage, the respondent filed the present application for amendment seeking to amend the plaint description by giving the sub-division number. By virtue of the amendment, the respondent seeks to substitute the original survey number mentioned in the description as 197/3 into 197/3E. The said application was allowed by the Trial Court and aggrieved by the same, the petitioner has come before this Court.

5. The learned counsel appearing for the petitioner would submit that though the petitioner raised objection with regard to the non-mentioning of the sub-division number in the written statement, the respondent failed to take any steps to amend the pleadings immediately. The present application



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has been filed only after commencement of trial, therefore, the Trial Court ought to not have allowed the same.

6. The learned counsel appearing for the respondent would submit that at the time of agreement, the agreement vendor failed to give correct sub-division number and the respondent acquired knowledge about sub-division of the survey number only from the averment found in the written statement of the petitioner. It is further stated that mentioning of the correct sub-division number is necessary to avoid complications at the time of execution.

7. It is admitted case that the suit agreement has been entered into only in respect of the property in Survey No.197/3. The sub-division number has not been mentioned in the agreement. The respondent/plaintiff is expected to give description of the property as found in the agreement. The respondent is not entitled to give a description, which is different from the description of the property found in the agreement. Therefore, without amending the description of the property in the original agreement, the respondent/plaintiff is not entitled to amend the plaint and give different survey number.



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8. Even if the amendment is sought for by the respondent is only clarificatory in nature, still the respondent has to first seek rectification of the Suit Agreement and then, he is entitled to amendment of the plaint. Therefore, the impugned order passed by the Additional District Judge, Dharmapuri in I.A.No.4 of 2025 in O.S.No.146 of 2023, dated 17.04.2025 is liable to be set aside.

9. However, it is made clear that the respondent/plaintiff is entitled to seek rectification of the Suit Agreement. In case, rectification is granted, it is always open to him to amend the plaint description as per the rectification allowed by the Court.

10. Accordingly, the Civil Revision Petition is allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

25.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

The Additional District Judge,
Dharmapuri.



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S.SOUNTHAR, J.

dm

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