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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. 3343 of 2024
and CMP No.17965 of 2024

CNR: {HCMA011477472024}

Case QR

1. K. Muthusamy
   S/o. Late. Kandasamy, D.No.3/115-3,
   Sivadhapuram Via, Naickenpatty Village,
   Salem Taluk and Dt 636 307.

2. M. Dinesh Kumar
   S/o. K. Muthusamy, D.No.3/115-3,
   Sivadhapuram Via, Naickenpatty Village,
   Salem Taluk and Dt 636 307.

3. M. Mohan Kumar
   S/o. K. Muthusamy, D.No.3/115-3,
   Sivadhapuram Via, Naickenpatty Village,
   Salem Taluk and Dt 636 307.

4. B. Dhanalakshmi
   W/o. Bala Murugan, D.No.3/115-3,
   Sivadhapuram Via, Naickenpatty Village,
   Salem Taluk and Dt 636 307.

5. T. Nithya
   W/o. Thiyagarajan, D.No.3-346,
   Chinnapagalpatty, Salem Dt 636 304.

..Petitioner(s)

Vs

1. K. Kuppusamy
   S/o. Kandasamy, D.No.5/59, Dasanaickenpatty,
   Bominaickenpatty Post, Pagalpatty Village,
   Omalur Tk, Salem Dt 636 304.

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2. P. Govindan
S/o. Periyasamy, D.No.1/130, naickenpatty
Post, Nallampatty Village, Salem Tk and Dt
636 307.

3. The Sub Registrar
No.3, Joint Sub Registrar Office, Salem West,
Salem Dt.

4. The District Registrar
Salem Collectorate, Salem Dt 1

..Respondent(s)

Prayer:

Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decreetal order dated 03.06.2024 passed in IA No.5 of 2023 in OS No.626 of 2022 on the file of the Principal District Munsif Salem.

For Petitioner(s): Ms.Santhana Ishwarya
for Mr.Elizabeth Ravi

For Respondent(s): Mrs.D.Chitra Maragatham
Government Advocate
for R3 and R4

P.Jagadeesan for R1

for R2 – Sd- NA

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in IA No.5 of 2023 in OS No.626 of 2022dated 03.06.2024, on the file of the Principal

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District Munsif Salem, wherein the application filed by the petitioners/plaintiffs under Order VI Rule 17 of CPC, to amend the plaint, came to be dismissed by the Court below.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3.This Court carefully perused the materials available on record and this Court also went through the order passed by the Court below.

3.The petitioners filed the suit in OS.No.626 of 2022, seeking for the relief of permanent injunction. During the pendency of the suit, IA.No.5 of 2023, was filed by the petitioners/plaintiffs seeking for the following amendment:

> 1. In the body of the plaint after the paragraph VI add the following paragraph VI.A.
>
> VI.A. During the pendency of the above suit the 2d defendant without minding the pendency of the above suit and without respecting the court proceedings illegally executed a registered sale deed in favour of the 1s defendant before the SRO of this 3 defendant on 17.04.2023 with respect ta a portion of this suit property and the same was registered by the 3rd defendant in his SRO under document No. 1190/2023 dated 17.04.2023. This registered sale deed is highly illegal,

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unlawful and the same is legally liable to be declared as null and void in the interest of justice.

2. In the court fee column after the 9ạ line add the following line.

The value adopted for the relief of declaration is Rs.5000/-
Court fee paid under section 25(d) of TNCF Act is Rs. 150/-
In the 10th line strikeout the figure of Rs.604-and put the figure as Rs.210/-in that place.

3. In the prayer column, after the prayer (b) Add the following prayer as (c).

c. To declare that the sale deed executed by the 2nd defendant in favour of the 1S defendant before the SRO of the 3 defendant on 17.04.2023 and the same was registered by the 3r defendant under document No. 1190/2023 dated 17.04.2023 is null and void and the same will not bind on the plaintiffs.

4. In the same prayer column strike out the words c and d and put the words d and e in the respective places.

4.The Court below dismissed the said application on the ground that what has been sold by virtue of the sale deed dated 17.4.2023 is the property which was owned by the 1st defendant by virtue of sale deed dated 2.7.2016 measuring an extent of 1 acre and the said sale deed has not been questioned and whereas the sale made by the 2nd defendant in favour of the 1st defendant in

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the year 2023 alone has been challenged. In view of the same, the Court below found that the amendment sought for by the plaintiffs is not sustainable and aggrieved by the same, the present CRP has been filed before this Court.

5.The plaintiffs have filed the suit seeking for the relief of permanent injunction. The total extent of the property is 2.12 ½ acres. Out of that 1 acre is already owned by the 2nd defendant by virtue of a registered sale deed dated 02.7.2016. With respect to the remaining portion, an agreement of sale is said to have been executed by the plaintiffs and the 2nd defendant. The cause of action for filing the suit is that an attempt is being made to sell the property behind the back of the plaintiffs. It is also brought to the notice of this Court that already a suit for specific performance has been filed by the 1st defendant in OS.No.361 of 2023 and the same is pending. By virtue of the amendment, the plaintiffs are questioning the sale deed dated 17.4.2023 executed by the 2nd defendant in favour of the 1st defendant. As rightly held by the Court below, this sale deed cannot be questioned by the plaintiffs without questioning the sale deed dated 02.7.2016 which already stands in the name of the 2nd defendant for 1 acre.

6.The reasoning given by the Court below while dismissing the application does not suffer from any perversity warranting the interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of

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India. Hence, the order passed by this Court below is sustained and this CRP stands dismissed. There shall be a direction to the Principal District Munsif Salem, to dispose of the suit in OS.No.616 of 2022, within a period of six months from the date of receipt of copy of the order.

7.In the result, this Civil Revision petition is dismissed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

04-11-2026

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

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To

1.Principal District Munsif Salem.

2.The Sub Registrar
No.3, Joint Sub Registrar Office, Salem West, Salem Dt.

3.The District Registrar
Salem Collectorate, Salem Dt -1

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N.ANAND VENKATESH, J.

KP

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