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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition Nos.4767 & 4771 of 2026
and
C.M.P.Nos.20905 of 2026

CNR: {HCMA011799432026}

Narayanamoorthy
S/o. Late Ramamurthy

..Petitioner in both revisions

Vs

1. Michael John
   S/o.Chinnappam

2. Murugan
   S/o.Kannan

3. Elumalai
   S/o.Kannan

4. Kumari
   W/o.Baskaran

..Respondents in both revisions

Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decretal order dated 09.07.2026 passed in I.A.Nos.6 & 5 of 2026 in O.S.No.88 of 2006 on the file of Additional Sub Court, Tiruvannamalai.

For Petitioner [in both revisions] : Mr.K.Govi Ganesan

For Respondents [in both revisions] : Mr.C.M.Mohanasundaram [R1]

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COMMON ORDER

These civil revision petitions have been filed under Article 227 of the Constitution of India against the order dated 09.07.2026 passed in I.A.Nos.6 & 5 of 2026 in O.S.No.88 of 2006 on the file of Additional Sub Court, Tiruvannamalai, wherein the applications filed by the first respondent/plaintiff to reopen and to amend the plaint, came to be allowed by the Court below.

2. Heard learned counsel on either side and carefully perused the materials available on record. This Court also went through the impugned order.

3. The first respondent/plaintiff filed the suit in O.S.No.88 of 2006 seeking for the relief of declaration and recovery of possession. The suit was at the stage of final arguments and at that stage, two applications came to be filed by the first respondent/plaintiff to reopen and to allow the amendment of plaint. Both the applications were allowed by the Court below and aggrieved by the same, the present revisions have been filed.

4. The main ground urged on the side of the petitioner/fourth defendant is that the document now sought to be relied upon by amending the plaint was very much available even when the suit was filed and that the first respondent/plaintiff did not exercise due diligence and therefore, under the

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proviso to Order VI Rule 17 CPC, such amendment cannot be allowed and that the Court below has mechanically allowed the application.

5. On carefully going through the pleadings in the plaint, it is seen that there is a reference to the suit filed in O.S.No.56 of 1996 and it has been stated that an *ex parte* decree has been passed and an application has been filed to set aside the *ex parte* decree.

6. In the affidavit filed in support of the amendment application, it is stated that the first respondent/plaintiff was not aware of the fact that the *ex parte* decree was set aside and ultimately, the suit itself was dismissed in the year 2006 and the first respondent/plaintiff became aware of this fact only during June 2026 when he met his erstwhile counsel.

7. The Court below has taken into consideration these facts pleaded in the affidavit and in order to afford an opportunity to the first respondent/plaintiff, allowed the applications. The order passed by the Court below does not suffer from any perversity warranting interference of this Court. However, considering the enormous delay in filing such applications, this Court wants to impose cost on the first respondent/plaintiff.

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N.ANAND VENKATESH, J.
gm

8. In the light of the above discussion, there shall be a direction to the first respondent/plaintiff to pay cost of Rs.20,000/- [Rupees Twenty Thousand only] to the petitioner/fourth defendant within a period of two (2) weeks from the date of receipt of a copy of this order. On such payment of cost, the order passed by the Court below in the applications will stand confirmed. Thereafter, it is left open to the petitioner/fourth defendant to take their defence insofar as the amendment sought for in the plaint and proceed further in accordance with law.

This civil revision petition is disposed of in the above terms. There shall be a direction to the Additional Sub Court, Tiruvannamalai, to dispose of the suit in O.S.No.88 of 2006 within a period of three (3) months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

29-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Additional Sub Court,
Tiruvannamalai.

Civil Revision Petition Nos.4767 & 4771 of 2026

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