



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4027 of 2025 and CMP No.20869 of 2025

1. Parimala

No.109, Salai Street, Kancheepuram - 631
502., Rep.by her GPA V.Manoharan.

Petitioner(s)

Vs

1. C.S.Pattabi

S/o.M.B.Sarangabani Naicker, Old No.14
New No.31, Ennaikara Street,
Kancheepuram - 631 501.
C.S.Harikrishnan (deceased).

2.C.S.Neelakrishnan

S/o.M.B.Sarangabani Naicker, Old No.14
New No.31, Ennaikara Street,
Kancheepuram - 631 501.

3.Siva Sankari

W/o.C.S.Loganathan, Old No.14 New
No.31 Ennaikara Street, Kancheepuram -
631 501.

4.Vilashini

W/o.Selvam, Old No.139 New No.72,
Eldams Road, Teynampet, Chennai - 600
018.

5.S.Jayakanthan

S/o.Subramani, No.39 Okkapranthan Kula
Street, Kancheepuram - 631 502.

6.J.Vijayalakshmi

D/o.S.Jayakanthan, No.39 Okkapranthan
Kula Street, Kancheepuram - 631 502.

7.J.Harishwar Minor

Rep. by his natural guardian and father
S.Jayakanthan, No.39 Okkapranthan Koil
Street, Kancheepuram - 631 502.



8.Mala

W/o.C.S.Harikrishnan, No.233B,
Govindasamy Street, Sudharsan Nagar
Extn.II, Kancheepuram - 631 501.

9.Padmapriyadharshini

W/o.N.Alagiri, D/o.C.S.Harikrishnan,
No.233B, Govindasamy Street, Sudharsan
Nagar Extn-II, Kancheepuram - 631 501.

Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 18.08.2025 passed in I.A.No.7 of 2024 in O.S.No.22 of 2021 on the file of Principal District and Sessions Court, Kancheepuram.

For Petitioner(s): S.Ravichandran

For Respondent(s): R1 - Left
R.2 to R.8 – No appearance
R9 - Unclaimed

ORDER

Aggrieved by the order passed in I.A.No.7 of 2024 dated 18.08.2025, the plaintiff filed the above revision.

2. Before the trial Court, the plaintiff filed an application in I.A.No.7 of 2024 under Order VI Rule 17 of Civil Procedure Code to amend the plaint by including certain properties which are left out. However, the said application was dismissed on hearing both sides stating that the proposed amendment would introduce a totally new and inconsistent case and the application is made at the belated stage. Aggrieved over

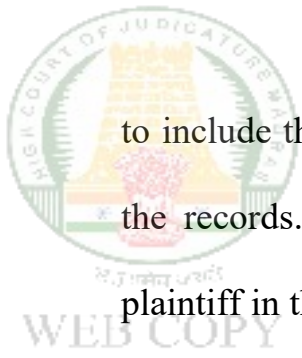


the same, the plaintiff filed the present revision.

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3. Learned counsel for the petitioner/plaintiff submits that the plaintiff has filed a suit for partition and so far, trial has not commenced. The petitioner/plaintiff filed I.A.No.7 of 2024 to amend the plaint by adding the averments with regard to the fraudulent documents, said to be created, on the side of the second defendant with other parties and also wanted to make pleadings with regard to the execution of the fabricated documents and jurisdiction of registration of those documents and also in respect of the accounts transaction of plaintiff's father that the defendants 1 to 3 colluded together and cheated her father to the tune of Rs.3,50,00,000/-. Hence, a detailed amendment application was filed before the trial court before the commencement of the suit and the said application was objected to only by the 9th defendant and the other defendants have not filed any objection. The trial Judge dismissed the application holding that it is at the belated stage and the proposed amendment would introduce a totally new case which is not permissible.

4. The plaintiff filed a suit in O.S.No.22 of 2021 against eight defendants for declaration in respect of the document No.6037 of 2018 dated 20.12.2018 and other consequential reliefs. Now. In furtherance of the said pleadings in the plaint, the plaintiff wants to amend the plaint by adding more pleadings with regard to some documents which are under dispute. The plaintiff narrated the dates and events and she also wanted



to include the facts and circumstances under which how the defendants have fabricated the records. Therefore all the pleadings pertain to main prayer are claimed by the plaintiff in the suit and now she wants to include another two prayers which necessitated in respect of the right and claim over the suit property .

5. As per the affidavit, it reveals that there was an enquiry conducted by Deputy Inspector of Registration and passed final order in respect of document Nos.6037 and 6038 of 2018 on the ground of fraud and directed the concern Sub Registrar to cancel those documents. Therefore, he sought for relief of declaration in respect of those two documents to be deleted by incorporating new prayer with regard to the suit property.

6. As per the averments in the affidavit, it reveals that several amounts were taken away from the father of the plaintiff by the defendants 1 to 3 and also created a forged settlement deed with the help of rowdy elements. To that effect, the plaintiff wanted to submit pleadings and in respect of suit property, the plaintiff's right and title requires detailed relief of declaration and other consequential reliefs, for which, necessity arose for the plaintiff to amend the pleadings. It also reveals that after cancellation of documents by the Deputy Inspector General of Registration, pending suit, necessity arose for the plaintiff to delete the earlier prayer and incorporate new prayer.



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7. Learned counsel for the revision petitioner/plaintiff submits that before the trial Court, the defendants 1 to 8 have not filed any written statement nor they have filed any objection to the amendment application and only the Ninth respondent alone has filed an application. So the conduct of the defendants was also taken note of. They appeared, but they have not raised any objection.

8. Before the trial court, opportunity to be given to the plaintiff to raise all the defence and pleadings in respect of suit claim over the property, but the trial Court failed to give opportunity. Accordingly, the argument of the learned counsel for the revision petitioner/plaintiff is permissible.

9. For all the above reasons, the fair and decretal order passed by the trial Court in I.A.No.7 of 2024 in O.S.No.22 of 2021 dated 18.08.2025 is set aside and the civil revision petition is allowed.

26.03.2026

sr
Index:yes/no
Website:yes/no
Speaking Order/Non-speaking order

To

The Principal District and Sessions Court, Kancheepuram



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T.V.THAMILSELVI.,J

sr

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