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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 4074 of 2025

CNR:{HCMA011938432025}

and

CMP No. 21071 of 2025

Case QR

1.M/s. Muthurajakula Dharmaparipalana Karya
Committee Rep by its Secretary B.K. Padmanaban,
having office at Sri Thirumangai Alwar
Mandabam No. 17A, TK Nambi Street,
Kanchipuram 631 501

2.B.K. Padmanaban

3.Sridhar

..Petitioners

Vs

S.Boobalan
S/o. Sankaran Pillai No. 136, TK Nambi Street
(Opposite to SBI Bank) Kanchipuram 631 501

..Respondent

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order and decretal order dated 18.07.2025 made in I.A.No.6 of 2023 in O.S.No.74 of 2020 on the file of the Additional District Munsif, Kanchipuram by allowing the above Revision.

For Petitioners : Mr. Y.Jyothish Chander

For Respondent: : Mr. N.Sivaprakash

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ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decretal order dated 18.07.2025 passed in I.A.No.6 of 2023 in O.S.No.74 of 2020 on the file of the Additional District Munsif, Kanchipuram, where in the application filed by the respondent/plaintiff under Order VI Rule 17 of Civil Procedure Code to amend the plaint, came to be allowed by the Court below.

2. Heard the learned counsel appearing on either side, perused the materials available on record and carefully gone through the order passed by the Court below.

3. The respondent/plaintiff filed the suit in O.S.No.74/2020 seeking for the relief of bare injunction restraining the defendants from in any manner interfering with the peaceful possession and enjoyment of the suit property. The case reached the stage of trial and the plaintiff was examined as PW-1. Thereafter, the present application came to be filed in I.A.No.6 of 2023 under Order VI Rule 17 of CPC seeking for the following amendment.

" ***After plaint para 10 add para 10 (a) as follows:***

10 (a). The plaintiff further submitted that when pending of suit proceedings the defendants forcible prevent the plaintiff enter into suit premises by broken old lock and put new lock in main gate. Still the plaintiff's valuable things like AC (2ton), bed, cot etc. in the First Floor VIP Room. The defendants

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are liable to refund of advance payment of Rs.2,50,000/- with reduced interest at rate of 9% from date 06.02.2020 on which they forcibly snatched money from palintiff's hands. This plaintiff is always willing to evict the suit premises after refund of afore said advance payment by take away his valuable materials kept in first floor VIP room. So far the plaintiff has not fully vacated the premises.

2) In plaint para 13, after court fees act word add the following sustenance:

Relief of recovery of money sum of Rs.3,31,617/- with reduced rate of interest at 9% p.a. on advance payment 2,50,000/- from date 06.02.2020 till realization, court fee of Rs.9,949/- under section 22 of TNCF SV Act.

Total Value of suit is Rs.3,31,617+1000=Rs.3,32,617.00

Total Court fee paid Rs.9949+30.50=Rs.9,979.00

3) In prayer column after 1st prayer add the following prayer:

ii) Direct the defendants to pay sum of Rs.3,31,617.00 towards advance rental payment of Rs.2,50,000/- with interest at rate of 9% from 06.02.2020 to till date of realization.

4) In Memo of Calculation column add the following:

Value of relief of recovery of money 2,50,000/-

At rate of interest 9% from 06.02.2020 to 22.09.2023 Rs.3,31,617.00

Court fee is paid sum of Rs.9949.00

Total Value of suit is Rs.3,31,617+1000=Rs.3,32,617.00

Total Court fee paid Rs.9949+30.50=Rs.9,979.00"

4. The petitioners who are the defendants opposed the amendment on the ground that the amendment sought for changes the character of the suit and the relief of refund of the advance amount sought for in the amendment application is barred by limitation.

5. The Court below on considering the rival contentions, allowed the said application and aggrieved by the same, the present revision has been filed before this Court.

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6. In the considered view of this Court, the amendment sought for by the respondent/plaintiff is not sustainable on the following grounds:

a) Post trial amendment must satisfy proviso to Order VI Rule 17 of CPC wherein the plaintiff must establish that in spite of due diligence, he was not able to seek for the amendment earlier. This is completely absent in the present case since the plaintiff was very much aware about the advance amount which was even pleaded in the plaint.

b) The relief of refund of advance amount sought for by way of amendment is clearly barred by limitation. It is now too well settled that an amendment which is barred by limitation, cannot be granted by the Court and

c) The amendment sought for by the plaintiff changes the entire character of the suit.

7. The Court below has not properly appreciated the above grounds and has allowed the application only on the ground that limitation is a mixed question of law and fact and the amendment will avoid multiplicity of proceedings. The reasoning of the Court below suffers from perversity warranting interference of this Court.

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8. In result, the impugned order passed in I.A.No.6 of 2023 in O.S.No.74 of 2020 on the file of the learned Additional District Munsif, Kancheepuram is hereby set aside. Accordingly, this Civil Revision Petition is allowed and consequently, the connected miscellaneous petition is closed.

05-11-2026

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

ksk

To
The Additional District Munsif, Kancheepuram

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N.ANAND VENKATESH J.

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