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CRP No. 4222 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4222 of 2025

and

CMP No. 21709 of 2025

P.K.Devadoss

S/o. Kannaiya Naidu, No.7, 2nd Main Road,,
Navasakthi Nagar, Puducherry - 605 009.

..Petitioner(s)

Vs

1. The General Secretry
Sri Aurobindo Society, Sri Aurobindo Society
Asharam, Puducherry - 605 001.
2. The Secretary
Auroville Foundation, Auroville Bhawan,
Auroville - 605 101.
3. Divya Kapoor
Auroville Foundation, Auroville Bhawan,
Auroville - 605 101.
4. Sandeep Darbal
Auroville Foundation, Auroville Bhawan,
Auroville - 605 101.
5. Suhasini
Auroville Foundation, Auroville Bhawan,
Auroville - 605 101.
6. Sukrit
Auroville Foundation, Auroville Bhawan,
Auroville - 605 101.
7. Kanniyappan
Auroville Foundation, Auroville Bhawan,
Auroville - 605 101.



8. Prasad
Auroville Foundation, Auroville Bhawan,
Auroville - 605 101.
9. Gerard
Auroville Foundation, Auroville Bhawan,
Auroville - 605 101.
10. Berend
Hermitage, Kasipalayam Village, Via
Poothurai, Thiruchitrambalam,
Vanur Taluk 605 111.
11. Agmes
Hermitage, Kasipalayam Village, Via
Poothurai, Thiruchitrambalam,
Vanur Taluk - 605 111
12. Kireet
Auroville Foundation,
Auroville - 605 101.
13. D. Chandran
S/o. Devarasu Gounder, Pattanur Village,
Vanur Tk.
14. G. Kuppusamy
S/o. Govindasamy, Pattanur Village,
Vanur Tk.,
15. G. Velu Gounder
S/o. Govindasamy Gounder, Pattanur Village,
Vanur Tk.,
16. G. Arumuga Gounder
S/o. Govindasamy Gounder, Pattanur Village,
Vanur Tk.,
17. G. Varadarasu Gounder
S/o. Govindasamy Gounder, Pattanur Village,
Vanur Tk.,



18.T.Thanikachala Gounder
S/o. Tirupathi Gounder, Pattanur Village,
Vanur Tk,

19.N.Akkumettan @ Subramanian
S/o.Natesa Thanthiri, Pattanur Village,
Vanur Tk.,

..Respondent(s)

CRP No. 4222 of 2025

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order passed in IA.No.3 of 2025 in OS.No.113 of 2025 dated 31-07-2025, on the file of the learned District Munsif, Vanur.

CMP No. 21709 of 2025

To grant an order of interim stay of all further proceedings in OS.No.113 of 2025 on the file of the learned District Munsif, Vanur, pending disposal of the above CRP.

CRP No. 4222 of 2025

For Petitioner(s): Mr.Venkataswamy Babu

For Respondent(s): No appearance
for R1, R4 to R7

Mr.Vaibhav R.Venkatesh for R2

Addressee cannot be located for R8

Unclaimed
For R3, R9 and R12

Insufficient Address
For R10, R11, R14, R15 & R18

No Such Address
For R13, R16, R17 & R19

**ORDER**

Challenging the impugned order passed by the learned Trial Judge in I.A.No.3 of 2025 in O.S.No.113 of 2015, the plaintiff has preferred this Civil Revision Petition.

2. Before the Trial Court, the petitioner/plaintiff filed an application under Order VI Rule 17 CPC seeking amendment of the prayer in the plaint. The learned Trial Judge, after hearing both sides and upon perusal of the records, dismissed the said application.

3. The case of the petitioner is that the suit was originally filed for the relief of declaration of title in respect of Schedule I and II properties and for permanent injunction. Subsequently, by way of amendment, the relief of specific performance was also incorporated. During the course of trial, the petitioner decided to relinquish a portion of the relief, namely the declaration in respect of Schedule I property, and in this regard, he filed a memo dated 08.11.2024, which was recorded by the Trial Court. Thereafter, another memo dated 09.12.2024 was also filed reiterating the same. Since the Trial Court insisted on filing a formal application, the petitioner filed I.A.No.3 of 2025 in O.S.No.113 of 2015 seeking amendment of the prayer.



4. The respondents/defendants opposed the said application contending that the trial had already commenced, evidence was closed and the matter was posted for arguments. It was further contended that the petitioner had already sought amendment earlier and the present application, filed at a belated stage, is intended to drag on the proceedings. It was also contended that the proposed amendment would change the nature and character of the suit.

5. The learned Trial Judge, considering the submissions made on either side, dismissed the application holding that the petitioner had not shown due diligence as required under the proviso to Order VI Rule 17 CPC and that the amendment sought would alter the nature of the suit, particularly when the matter is at the stage of arguments.

6. Assailing the same, the learned counsel for the petitioner contended that the amendment sought is only for relinquishing a portion of the relief and does not introduce any new cause of action nor alter the nature of the suit. It is further submitted that the petitioner had already expressed his intention to relinquish the relief by filing memos dated 08.11.2024 and 09.12.2024 and the same were not properly considered by the Trial Court. It is also submitted that a plaintiff is entitled to abandon a part of the relief and such abandonment would not attract the rigour of the proviso to Order VI Rule 17 CPC.



7. Per contra, the learned counsel for the respondents reiterated the findings of the Trial Court and submitted that the application was filed at a highly belated stage, after completion of trial and at the stage of arguments, without assigning any valid reason, and therefore the Trial Court has rightly dismissed the application.

8. This Court has considered the submissions made on either side and perused the entire materials available on record.

9. It is not in dispute that the suit is of the year 2015 and the trial has already been completed and the matter is at the stage of arguments. The petitioner seeks to amend the prayer by relinquishing the relief of declaration in respect of Schedule I property and to suitably modify the remaining reliefs.

10. The Trial Court dismissed the application mainly on the ground that the petitioner had not shown due diligence and that the amendment would change the nature of the suit.

11. Hence, this Court is of the considered view that the finding of the Trial Court that the amendment would change the nature of the suit is not sustainable. The petitioner is not seeking to introduce any new case or inconsistent plea, but only intends to relinquish a portion of the relief originally



claimed. Such relinquishment would not alter the fundamental nature of the suit, but would only restrict the scope of adjudication.

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12. At the same time, it is to be noted that the application has been filed after completion of trial and at the stage of arguments. Therefore, the requirement of due diligence under the proviso to Order VI Rule 17 CPC cannot be completely ignored.

13. In the present case, the records disclose that the petitioner had already expressed his intention to relinquish a portion of the relief by filing memos dated 08.11.2024 and 09.12.2024, which were also taken on record. Hence, it cannot be said that the petitioner has not taken any steps earlier.

14. In such circumstances, this Court is of the view that the petitioner can be permitted to relinquish the relief of declaration in respect of Schedule I property. However, the petitioner cannot be permitted to reopen the entire pleadings or alter the nature of the suit beyond such limited extent.

15. Accordingly, the order of the Trial Court is liable to be interfered with to a limited extent. The petitioner is permitted to relinquish the relief of declaration in respect of Schedule I property and the Trial Court shall take note of the same and proceed with the suit based on the remaining reliefs. However,



the petitioner shall not be permitted to reopen the evidence or seek any further amendment altering the nature of the suit.

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16. Considering the fact that the suit is of the year 2015 and is now at the stage of arguments, the Trial Court is directed to dispose of the suit as expeditiously as possible, preferably within a period of eight (8) weeks from the date of receipt of a copy of this order.

17. In the result, this Civil Revision Petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

08-04-2026

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



WEB COPY

CRP No. 4222 of 2



To

1. The District Munsif, Vanur.
2. The General Secretary,
Sri Aurobindo Society,
Sri Aurobindo Society Asharam,
Puducherry - 605 001.
3. The Secretary
Auroville Foundation, Auroville Bhawan,
Auroville - 605 101.



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T.V.THAMILSELVI J.

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