



WEB COPY

CRP No. 4568 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS DATED: 25-03-
2026

CORAM

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

CRP No. 4568 of 2025 & CMP.No.23199 of 2025

G. Umapathi
S/o Late G.Gurusamy, Res at New No.4, Old
No.12, Ground Floor, Third Street, Bazaar Nagar,
Avadi, Chennai 600 054

..Petitioner(s)

Vs

1. Late G. Gurusamy (deceased)
1.G.Maheshkumar, S/o Late G.Gurusamy,
Res at New No.4, Old No.12, First Floor, Third
Street, Bazaar Nagar, Avadi, Chennai 600054
2. The Sub Registrar
Avadi, Chennai 600 054
3. G.Janaki
W/o Late G.Gurusamy, Res at New No.4, Old
No.12, First Floor, Third Street, Bazaar Nagar,
Avadi, Chennai 600054
4. G.Mahendra Babu
S/o Late G.Gurusamy, Res at No.3, 4th Street,
Bazaar Nagar, Avadi, Chennai 600054
5. M.Mahalakshmi
D/o Late G.Gurusamy, Res at No.46, First St,
Extension-I, Venkatesan Nagar,
Virugambakkam, Chennai 600 092

..Respondent(s)



Prayer : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 05.08.2025 passed in IA.No.1 of 2024 in OS.No.43 of 2016 by the 1d II Additional District and Sessions Judge, Tiruvallur @ Poonamallee by allowing this CRP.

For Petitioner(s): Mr.Nalla Senapathy
for Mr.R.Manickavel

For Respondent(s): Mr.Rahul Balaji
FOR R1 & R3 TO R5

Mr.C.Sathish, GA FOR R2

ORDER

Challenging the impugned Order passed by the trial Court in I.A.No.1 of 2024 in O.S.No.43 of 2016 dated 05.08.2025, the present Civil Revision Petition filed by the plaintiff.

2. The petitioner/plaintiff filed the suit for declaration that the first plaintiff is the absolute owner of the suit 'A' schedule property, to direct the defendant to deliver vacant possession of the 'B' schedule property to the first plaintiff within the time stipulated by this Court and in default through due process of this Court and for permanent injunction against the defendant and his men from altering the physical structure of the suit 'B' schedule property in any manner. Pending suit, the plaintiff filed an application for amendment of the



plaint. The respondent raised objections by filing counter. The trial Court, considering the submissions on either side, dismissed the application. Aggrieved over the same, the present Civil Revision Petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner erroneously prayed for a declaration to declare that the settlement deed dated 03.01.2011 executed by the first defendant in favour of the second defendant in respect of the B schedule property is null and void and since the petitioner in occupation of 'B' schedule property, such a prayer would lead to complication and such declaration should be for the entire property and only in such circumstances, the prayer would be complete and enforceable and realizing the mistake and the error in the prayer, the petitioner filed the application for amendment of the prayer. As there is no change in cause of action, character of the suit and nature of the suit, the trial Court ought to have allowed the application. If the application is not allowed, it will result in multiplicity of proceedings and the Order of the trial Court requires interference.

4. Admittedly, the plaintiff has filed the application for amendment after 5 years of filing of the suit. But as per the submissions of the petitioner, as per the settlement deed dated 03.01.2011, he is possession of the 'B' schedule



property, he had filed the application for the amendment of prayer and he has not sought any amendment with regard to the pleading. Hence, the same would not change the nature and character of the suit. But the trial Court failed to consider the same and had dismissed the application and the same require interference.

5. Accordingly, this Civil Revision Petition is allowed and the Order of the trial Court made in I.A.No.1 of 2024 in O.S.No.43 of 2016 dated 05.08.2025 is set aside. Liberty is granted to the respondents/defendants to file additional written statement. Both the parties are directed to co-operate with the trial. The trial Court is directed to dispose of the suit in O.S.No.43 of 2016 within a period of five months from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed.

25-03-2026

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

vrc

To

The II Additional District and Sessions Judge,
Tiruvallur @ Poonamallee.



WEB COPY

CRP No. 4568 of 2



T.V.THAMILSELVI, J.

VRC

CRP No. 4568 of 2025

25-03-2026