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CRP No. 5047 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 5047 of 2025 and CMP No.25456 of 2025

1. V.Ravikumar,
S/o.Vajravelu Naicker, No.AP, 1070, 17th
Central Cross Street, M K B Nagar,
Chennai -600 039.

Petitioner(s)

Vs

1. E.Narayanan,
S/o.Elumalai, New No.3, Old No.20,
Venkatachalapathy Street, Chetpet, Chennai
-600 031.

Respondent(s)

Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal order made in I.A.No.9 of 2025 in O.S.No.3427 of 2019 dated 25.08.2025 passed by the 2nd Assistant Judge, City Civil Court, Chennai

For Petitioner(s): J.Kannan

For Respondent(s): Dr.A.Thiagarajan
Senior Counsel
For Mr.R.Ashraf Khan

ORDER

Aggrieved by the order passed by the trial Court in I.A.No.9 of 2025, the plaintiff has filed the present revision.



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2. The plaintiff filed a petition in I.A.No.9 of 2025 under Order VI Rule 17 of Civil Procedure Code to amend the plaint. The revision petitioner/plaintiff wanted to amend the plaint by adding the following lines at the end of Paragraph No.8 of the plaint.

“ The defendant has no right or title to use the suit passage and his action in using the suit passage (clearly described in the Rough sketch attached with the plaint) is unauthorised and unsustainable in law”

3. The plaintiff wanted to add the following line in the prayer portion of the plaint contained in Paragraph No.14 clause (a) after the words articles, stones:

“ unauthorisedly using the suit passage”

4. The said application was dismissed by the trial Court holding that the revision petitioner/plaintiff wants to include the pleadings that the defendant has no right or title to use the suit passage and his action in using the suit passage is unauthorised and unsustainable in law and also to restrain the defendant from using suit passage, but, the



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earlier prayer was for the relief of permanent injunction restraining the defendant from interfering with peaceful possession of the plaintiff over the suit passage by dumping the waste materials, articles, stones and etc., and now the plaintiff wants to add the prayer in the plaint for restraining the defendant from using the suit passage and through this proposed amendment the plaintiff wants to take away the right of the defendant in using the pathway. The trial Court also held that the plaintiff wanted to amend the prayer and averments of pleadings in order to introduce the new facts which is not permissible and if the proposed amendment is allowed, the character and nature of the suit will change and the plaintiff wanted to introduce new case and therefore, dismissed the application. Aggrieved by the same, the plaintiff filed the above revision.

5. Learned counsel for the petitioner submits that the dispute is with regard to the cause of action that the suit arose because the defendant caused interference in the suit passage which belongs to the plaintiff and now, as per the evidence given by the defendant at the time of cross examination that he is using the suit passage. Therefore, necessity arose for the plaintiff to amend the pleadings as well as prayer about the unauthorised usage of the defendant in the suit passage.

6. Learned counsel for the respondent submits that now the case is posted for



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arguments and at this stage, the petitioner/plaintiff wanted to introduce the averment and the proposed amendment which would indirectly declare the right of the passage exclusively which is not permissible.

7. Considering the plaint averments and the proposed amendment, the plaintiff wanted to include about the alleged usage claim made by the defendant and the entire pleadings is around the abuse made by the defendant with regard to the suit passage. Therefore, by including the proposed amendment, it will not cause any new cause of action or will not change the character of the suit.

8. In view of the above, the order passed by the trial Judge in I.A.No.9 of 2025 dated 25.08.2025 is set aside and I.A.No.9 of 2025 is allowed and the civil revision petition is allowed. Liberty is granted to the parties to advance their arguments before the trial Court in respect of proposed amendment. No costs. Consequently, connected miscellaneous petition is closed.

26.03.2026

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Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The II Assistant Civil Court, Chennai

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