Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6863 of 2026

CNR:{HCMA012453682026}

AND

CMP NO. 29481 OF 2026

Case QR

1. Elaiyammal
   W/o.Ponnusamy Gounder

2. Muthulakshmi
   W/o.Late Ramasamy,

3. Sasikumar
   S/o.Ponnusamy Gounder,

4. Chandhiralekha
   D/o.Ponnusamy gounder

..Petitioner(s)

Vs

1. Kumarasamy
   S/o.Late Ramasamy

2. Manikam@Karupannan
   S/o.Late Palaniappa Gounder

3. Seenivasan
   S/o.Manickam @ Karuppannan,

4. Sivasubramaniam
   S/o.Manickam @ Karuppannan

5. Nallasivam @ Shanmugam
   S/o.late Palaniappa Gounder

6. Mani @ Santhamani
   W/o.Late Ramasamy

7. Chithra @ Rathinambhal

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D/o.Chinnathambi

8. Sheelavathi
W/o.Saravanan,

Ponnusamy Gounder (Died)

9. Anjaladevi
W/o.Vadivel

Chinnammal (Died)

10. Balasubramaniam
S/o.Late Munusamy

..Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair order and final order dated 24.08.2026 passed in IA.No.6 of 2026 in OS.No.39 of 2019 on the file of the District Munsif Court, Paramathi, Namakkal District.

For Petitioner(s): Mr. J.Titus Enock

Order

This Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the fair and decretal order passed in IA.No.6 of 2026 in OS.No.39 of 2019 by the District Munsif Court, Paramathi, Namakkal District, wherein the application filed by the 1st respondent / plaintiff under Order VI Rule 17 of CPC for amendment of plaint, came to be allowed by the Court below.

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2. Heard the learned counsel for the petitioner and carefully perused the materials available on record as well as the order passed by the Court below.

3. The 1st respondent/plaintiff filed the suit in OS No.39 of 2019 seeking for the relief of declaration to declare the usage of cart track and for permanent injunction. Originally, when the suit was filed, there were seven defendants. Subsequently, an impleading petition was filed pursuant to which defendants 8 to 15 were impleaded.

4. The 1st respondent / plaintiff filed IA No.6 of 2016 under Order VI Rule 17 of CPC seeking for the following amendments to be included in the schedule of property:-

> மேற்படி தாவா X Y பாதையானது ஜெடர்பாளையம் to சோழசிராமணி செல்லும் தென்வடல் தார் சாலையிலிருந்து கிழக்கு நோக்கி X, Y ஒழுங்கில் செல்கிறது. மேற்படி X, Y பாதையானது ஆரம்பத்தில் 5 ஆம் பிரதிவாதிக்கு பாத்தியப்பட்ட சர்வே எண் 253/4C லும், 1 ஆம் பிரதிவாதிக்கு பாத்தியப்பட்ட சர்வே எண் 253/4D லும் 4 ஆம் பிரதிவாதிக்கு பாத்தியப்பட்ட சர்வே எண் 258/4, 258/3 ஆகிய நிலங்களின் தென்புற ஓரமாகவும் அதேபோல 8 ஆம் பிரதிவாதிக்கு பாத்தியப்பட்ட சர்வே எண் 257/1A லும், 10 ஆம் பிரதிவாதிக்கு பாத்தியப்பட்ட சர்வே எண் 257/1B லும் 11 ஆம் பிரதிவாதிக்கு பாத்தியப்பட்ட சர்வே எண் 257/1C லும், 13 ஆம் பிரதிவாதிக்கு பாத்தியப்பட்ட சர்வே எண்கள் 257/1D 257/2 ஆகிய நிலங்களின் வடபுற ஓரத்தில் செல்லும் பாதையைப் பொருத்து தாவா.

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5. The petitioners, who are defendants 8, 11, 14 and 15 opposed the said amendment on the ground that such amendment had been sought for based on the report of the Advocate Commissioner, who had been appointed even before the petitioners were impleaded as parties to the proceedings. That apart, the amendment sought for by the plaintiff virtually change the character of the suit since the plaintiff was attempting to expand the extent of property without any cause of action.

6. The Court below, after considering the rival contentions, came to a conclusion that the amendment has to be allowed considering the nature of relief sought for by the plaintiff for usage of cart tract. Aggrieved by the said order, the present Civil Revision Petition has been filed before this Court.

7. The main grievance that has been expressed on the side of the petitioner is that this amendment was sought for after nearly seven years after the filing of the suit, based on the report of the Advocate commissioner. According to the petitioners, they were never given an opportunity to file their objections to the report of the Advocate Commissioner since they were not parties to the proceedings at the relevant point of time. It is further contended that the plaintiff is attempting to create a cause of action afresh against the petitioners by virtue of the amendment.

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8. The Court below while dealing with the objections, came to a conclusion that the amendment was necessitated since the pathway runs along the properties belonging to the petitioners and the same has also been explained in the sketch that was filed along with the plan. Therefore, the Court below came to a conclusion that the amendment was essential for the purpose of deciding the suit effectively.

9. The reasoning given by the Court below does not suffer from any perversity warranting the interference of this Court. In fact, if the amendment sought for by the plaintiff is not permitted, there will be no use in impleading the petitioners as defendants in the suit. The Court below has rightly held that since the right to use the cart track is the relief sought for, the properties through which the cart track runs have to be properly identified and explained.

10. The amendment sought for does not really expand the scope of the suit and by virtue of the amendment, the cause of action as against the petitioners is sought to be established by the plaintiff.

11. One of the main grievance that was expressed on the side of the petitioners is that the petitioners never had an opportunity to file their objection for the report of the Advocate Commissioner since the report was submitted

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even before the petitioners were impleaded as defendants. Considering the grievance expressed by the petitioners, liberty is granted to the petitioners to file their objections to the report of the Advocate Commissioner and the same will be considered by the Court below on its own merits and in accordance with law.

12. In the result, the order passed by the Court below is hereby confirmed and this Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03-11-2026

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

RKA

To
The District Munsif Court,Paramathi, Namakkal District.

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