



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

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

CRP No. 5478 of 2025 & CMP.No.27584 of 2025

1. T.Vijayan
S/o Thirunavukkarasu, No 7, Perumal Koil
Street, Kalambur Village and Post, Polur Tk,
Tiruvannamalai Dist.
2. Valarmathi
W/o. Santhana Krishnan , No. 5/3, 6th Cross,
Town Hall Road, Arakonam Taluk, Ranipet
Dist.

..Petitioner(s)

Vs

Pushpa Ammal
W/o Puniyakuti, Res at No 1/56, Anna Street,
Mullipattu Village, Arni Tk, Tiruvannamalai Dist.

..Respondent(s)

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Decreetal Order passed in I.A No. 3 of 2023 in OS No. 148/ 2007 dt.24.06.2025 on the file of the District Munsif Court, Arni.

For Petitioner(s): Mr.P.Satheesh Kumar

For Respondent(s): NO APPEARANCE



ORDER

Challenging the impugned Order passed by the trial Court in I.A.No.3 of 2023 in O.S.No.148 of 2007, the present Civil Revision Petition has been preferred by the second and third plaintiffs.

2. The plaintiffs have filed the suit for permanent injunction restraining the defendant from putting up any kind of construction in the 'B' schedule property, directing the defendant to remove the encroachment by way of construction made in the 'B' schedule property failing which remove the same through Court and to direct the defendant to deliver possession of 'B' schedule property to the second and third plaintiffs. Pending suit, after the release deeds executed between plaintiffs, the second plaintiff had sold the property to the third plaintiff. Therefore, they had filed an application to amend the plaint. The respondent had raised objections by filing a counter. Considering the submissions on either side, the trial Court had dismissed the application. Aggrieved over the same, the petitioners have filed the present Civil Revision Petition.

3. The learned counsel appearing for the petitioner would argue that the trial Court without considering the factual aspect of execution of the release deeds between the plaintiffs and based on the release deed, execution the sale deed by the second plaintiff in favour of the third plaintiff follows, which



neither alters the cause of action nor seeks any new relief, had dismissed the application, which is unsustainable in law. Hence, prayed to set aside the Order of the trial Court.

4. There is no representation for the respondent.
5. A perusal of the records reveal that after filing of the suit release deeds executed between the plaintiffs and based on the release deeds, the second plaintiff had executed a sale deed in favour of the third plaintiff, by which she got ownership of the entire 'B' schedule property and hence, the application for amendment is sought by the petitioners. Further the amendment do not change the nature and character of the suit and no new relief is claimed by the said amendment. If the amendment is not permitted, it will defeat the valuable rights of the petitioners and lead to multiplicity of proceedings and on the other hand the same will not cause any prejudice to the respondent. Hence, this Court is inclined to allow this revision. The defendant is at liberty to file additional written statement and the trial Court can frame additional issues, if situation warrants.



6. Accordingly, this Civil Revision Petition is allowed and the Order of the trial Court in I.A.No.3 of 2023 in O.S.No.148 of 2007 dated 24.06.2025 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

13-03-2026

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

vrc

To

The District Munsif,
Arni.



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CRP No. 5478 of 2



T.V.THAMILSELVI, J.

VRC

CRP No. 5478 of 2025

13-03-2026

**CRP No.5478 of 2025****T.V.THAMILSELVI J.**

This civil revision petition is posted today under the caption "For Being Mentioned" at the instance of the learned counsel for the petitioners.

2. The learned counsel appearing for the petitioners submits that in the order dated 13.03.2026, in first 3 lines in para 5, inadvertently, the rank of the parties was wrongly mentioned and hence, prays for appropriate orders.

3. In the light of the above, Registry is directed to replace paragraph 5 in the order dated 24.03.2026 as follows:

*“5. A perusal of the records reveal that after filing of the suit release deeds executed between the plaintiffs and based on the release deeds, the **third** plaintiff had executed a sale deed in favour of the **second** plaintiff, by which **he**.....”* (corrected portion highlighted)

4. Since this is a typographical omission, the same is corrected and Registry is directed to carry out the above said correction and issue fresh order copy.

09.04.2026

mtl

Note: Issue Order on 09.04.2026



WEB COPY

CRP No. 5478 of 2



T.V.THAMILSELVI J.

mtl

CRP No.5478 of 2025

09.04.2026