Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP Nos. 7143 & 7177 of 2026

CNR:{HCMA012707622026}

Case QR

AND

CMP NOS. 30934 & 30824 OF 2026

Vedhachalam
No.61,
Venkatesan Street,
New Washermenpet,
Tondiarpet,
Chennai,
600 081

..Petitioner(s)

Vs

Munusamy
No.61/1,
Venkatesan Street,
New Washermenpet,
Tondiarpet,
Chennai,
600 081Chennai

..Respondent(s)

CRP No. 7177 of 2026

Case QR

CNR:{HCMA012707632026}

Vedhachalam
No.61,
Venkatesan Street,
New Washermenpet,
Tondiarpet,
Chennai,
600 081 Chennai

..Appellant(s)

Vs

Munusamy
No.61/1,

https://www.mhc.tn.gov.in/judis

WEB COPY

Venkatesan Street,
New Washermenpet,
Tondiarpet,
Chennai,
600 081 Chennai

..Respondent(s)

CRP No. 7143 of 2026

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 11.08.2026 passed by the XVI Assistant City Civil Court, Chennai in I.A. No. 2 of 2026 in O.S.No.1697 of 2023 and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.

CRP No. 7177 of 2026

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 11.08.2026 passed by the XVI Assistant City Civil Court, Chennai in I.A. No. 3 of 2026 in O.S.No.1697 of 2023.

For Petitioner(s): Mr.S.Ravi

For Respondent(s): Mr.M.Devendran

COMMON ORDER

These Civil Revision Petitions have been filed under Article 227 of the Constitution of India challenging the order dated 11.08.2026 passed in I.A. Nos. 2 & 3 of 2026 in O.S.No.1697 of 2023 on the file of the learned XVI Assistant City Civil Court, Chennai, wherein the applications filed by the petitioner/plaintiff for amendment of plaint under Order VI Rule 17 of C.P.C., came to be dismissed by the Court below.

https://www.mhc.tn.gov.in/judis

WEB COPY

2.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3.The petitioner is the plaintiff who filed the suit in O.S.No.1697 of 2023 against the respondent/defendant seeking for the relief of permanent injunction. The issues were framed, the evidence was recorded and the suit reached the stage of final hearing. At that stage, two application were filed by the petitioner/plaintiff seeking for amendment of the plaint. IA No.2 of 2026 was filed seeking for the following amendment:

> i) To include in Para No. 10after para "a", "b". To declare that the plaintiff is the owner of the suit property
>
> ii) To alter Para "b" into Para “c".

4.IA No.3 of 2026 was filed seeking for the following amendment:

> i) In the plaint after Para No. 6 include Para No. 6 (a) as "The plaintiff states that in the settlement deed dated 04.10.1995 which was marked as Ex.Bl it is wrongly mentioned that the defendant is the son of one V. Raji Naicker. In fact, the defendant is the son of one Elumalai, Therefore, the settlement deed dated 04.10.1995 is a concocted and

https://www.mhc.tn.gov.in/judis

Order QR

WEB COPY

created one and hence the same is invalid. The defendant is not entitled to claim the title over the suit property on the basis of the above said settlement deed dated 04.10.1995".

ii) In Para No.10 after Para a. and before Para b. add a prayer "b". To declare that the settlement deed dated 04.10.1995 is null and void and the same is not binding on the plaintiff.

iii) To change in Para No.10 b. into Para No. 10 c. and thus render justice.

5.The above amendments sought for by the petitioner/plaintiff was opposed by the respondent/defendant on the ground that the amendments sought for virtually change the very character of the suit and such amendments cannot be sought for after the suit has reached the stage of final arguments.

6.The Court below, after considering the rival contentions, came to the conclusion that the amendments sought for by the petitioner/plaintiff virtually changes the character of the suit and such amendments cannot be allowed at the stage of final arguments without the plaintiff establishing that she had exercised due diligence and was unable to seek for such amendments at the earliest possible time. Aggrieved by the said common order, these Civil Revision Petitions have been filed before this Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

7.When the suit was originally filed, the specific pleadings in the plaint was that the plaintiff and his family were permitted to reside in the suit property by his mother and that they had been in possession and enjoyment of the property for a long time and an attempt was made by the defendant to interfere with the possession and enjoyment. Therefore, they sought for the relief of permanent injunction restraining the defendant from evicting the plaintiff and his family from the suit property except under due process of law.

8.The defendant took a very specific stand that he was the owner of the property by virtue of a Settlement Deed dated 04.10.1995 and the defendant had also sought for a counterclaim for ejectment of the plaintiff from the suit property.

9.The suit reached the stage of final arguments and at that stage, purportedly due to a change in counsel, the present applications came to be filed seeking for amendment of the plaint.

10.By virtue of the amendment of plaint, the plaintiff is now seeking for a declaring the title over the property and is also challenging the Settlement Deed that was executed in favour of the defendant on 04.10.1995. If these amendments are allowed, the very basis of the suit will completely get altered. The plaintiff has nowhere in the plaint claimed any exclusive right or title over

https://www.mhc.tn.gov.in/judis

WEB COPY

the property and has only sought the relief of permanent injunction not to evict unless and otherwise by due process of law. Having taken such a stand, the plaintiff cannot be permitted to amend the plaint and claim for right and title over the property and that too, at the stage of final arguments of the suit. The defendant had already taken a stand in the written statement filed in the year 2023 that he was the owner of the property by virtue of the Settlement Deed dated 04.10.1995. In spite of the same, the petitioner/plaintiff waited till the suit reached the stage of final arguments and filed two applications seeking for amendment of the plaint.

11.The reasoning given by the Court below while dismissing the applications does not suffer from any perversity warranting interference of this Court. The Court below was perfectly right in dismissing the applications, since the amendments virtually tantamount to changing the very nature and character of the suit and such amendments were sought for at the post trial stage during final arguments, without satisfying the requirement under the proviso to Order VI Rule 17 of C.P.C.

12.In view of the above discussion, the order dated 11.08.2026 passed in I.A. Nos. 2 & 3 of 2026 in O.S.No.1697 of 2023 on the file of the learned XVI Assistant City Civil Court, Chennai, is sustained.

https://www.mhc.tn.gov.in/judis

Order QR

WEB COPY

13.The learned counsel for the petitioner submitted that leave must be given to the petitioner/plaintiff to file a substantive suit. No such leave can be granted by this Court and if the petitioner is entitled to file any such fresh suit, it is left open to the petitioner/plaintiff to workout his remedy in accordance with law, if the law otherwise permits.

14.In the result, this Civil Revision Petition stands dismissed. No Costs. Consequently, the connected miscellaneous petitions are closed.

17-11-2026

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

SSR

To

The XVI Assistant City Civil Court, Chennai

https://www.mhc.tn.gov.in/judis

WEB COPY

N.ANAND VENKATESH J.

SSR

CRP Nos. 7143 & 7177 of 2026
AND
CMP NOS. 30934 & 30824 OF 2026

17-11-2026

https://www.mhc.tn.gov.in/judis