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C.R.P.No.6455 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.02.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.6455 of 2025

Moisanraj

.... Petitioner

Vs

Padmanaban (died)

1.Jammam mary

2.Gowri

3.Pratheesh

4.Geetha

5.Praveen

.... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the impugned fair and decretal order dated 21.08.2025 passed in I.A.No.4 of 2024 in O.S.No.159 of 2019 on the file of the learned Principal Subordinate Judge, Chengalpattu.

For Petitioner : Mr.G.Narayanan

For R1, R4 & R5 : No appearance

For R2 & R3 : M/s.G.Magesh Kumar

ORDER

This Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner seeking amendment of the plaint.



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2. The petitioner herein filed a suit seeking permanent injunction restraining the defendants from interfering with his possession and enjoyment of the 'B' Schedule property. Pending suit, the petitioner filed an amendment application seeking amendment of the plaint to include certain particulars as set out in the amendment application. The said application was dismissed by the Trial Court and aggrieved by the same, the petitioner is come before this Court.

3. The learned counsel appearing for the petitioner would submit that in the impugned order, there is no discussion about the amendment application and that the order appears to have been passed as if it relates to a petition for rejection of plaint. Therefore, the impugned order is liable to be set aside.

4. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents 2 and 3. Though notice has been served on the respondents 1, 4 and 5 and their names are printed in the cause list, there is no representation on their behalf.

5. This Court, by order dated 18.12.2025, called for remarks from the concerned Presiding Officer. By letter dated 20.01.2026 in D.No.62/2026, the Presiding Officer stated that on the very same day he dictated the orders in petition for amendment and also petition for rejection of plaint. However, the

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discussions made in the petition for rejection of plaint were wrongly incorporated in the petition for amendment application and without verifying the same, he signed the impugned order inadvertently.

6. A perusal of the impugned order would indicate that the learned Judge has not discussed the merits of the amendment sought for by the petitioner and he only discussed the petition for rejection of plaint. Therefore, the impugned order is liable to be set aside.

7. Accordingly, the impugned order passed by the Trial Court in I.A.No.4 of 2024 is hereby set aside and the Civil Revision Petition is allowed. The Trial Judge is directed to dispose of the amendment application in I.A.No.4 of 2024 afresh, after giving due opportunity to both parties.

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Index : Yes/No

Internet : Yes/No

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To

The Principal Subordinate Judge,
Chengalpattu.



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S.SOUNTCHAR, J.

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