



WEB COPY

OSA No. 41 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

OSA No. 41 of 2026

Y.Nageswara Reddy
S/o.Sri.V.Chandrasekar Reddy,
Rep. By its Power of Attorney Holder
Mr. Yeddula Somasekhara Reddy.
No.38, Bharathi Street, Gandhi Nagar,
Saligramam, Chennai -600 093.

..Appellant(s)

Vs

1. Dr.Pitchai Harivasagam
2. Sri Harivasagam Charitable Trust
Rep. By Its Managing Trustee,
Dr.Pitchai Harivasagam,
Having Office at No.46,(Old No.49),
Thirumalai Pillai Road,
T.Nagar, Chennai- 17.
3. Sri.V.K.K. Charities
Rep. By its Managing Trustee,
Dr.Pitchai Harivasagam,
Having Office at No.46,(Old No.49),
Thirumalai Pillai Road,
T.Nagar, Chennai- 17.
4. K.Elango
5. T.K.S.Pugazendhi



6. K.R.Jaganathan

7. R.Paramananthan

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..Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent read with Order XXXVI Rule 9 of O.S.Rules to set aside the order dated 16.09.2025 in A.No. 499 of 2024 on the file of the Original side of this Honble Court and consequently allow A.No.499 of 2024.

For Appellant(s): Mr.M.S.Rishi

For Respondent(s): M/s.P.Jeevitha
for M/s.KNS Law Chambers
for R1 to R3

Mr.N. Ramakrishnan
for M/s. ARK Law Associates
for R4 & R5

JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

The plaintiff in CS No.53 of 2009 is before us aggrieved by an order dated 16.09.2025 in A.No.499 of 2024 filed by the appellant herein seeking further amendment to the relief sought in the plaint.

2.The suit had been filed seeking specific performance of an agreement of sale. An alternate relief for refund of the advance amount had also been sought. The progress in the trial had been extremely slow and only now the plaintiff had grazed the witness box. The application in A.No.499 of 2024 had been filed just before the commencement of trial.



3. Though the learned counsel for the appellant submitted that trial has not started, the learned counsel for the respondent contended that the matter is now posted for cross examination of the witness for the plaintiff. At this stage, after nearly about 15 years, the plaintiff has sought amendment of the relief sought by including the payment of compensation, placing reliance on Section 11 of the Specific Relief Act, 1963. The learned Single Judge had dismissed the said application and refused to grant that particular relief on the ground that it was barred by limitation. Even otherwise, the plaintiff had not sought any amendment in the body of the plaint, justifying the payment of compensation. Without pleadings, there cannot be any relief sought. It would only be appropriate that the plaintiff grazes the witness box and speaks for the specific performance of the agreement and permit the learned Single Judge to evaluate the evidence adduced by the parties and take a decision to grant or refuse such relief. Merely because there is a provision in the Act that the plaintiff can seek compensation, would not mean that the plaintiff could seek that particular compensation without pleadings.

4. The learned counsel for the respondents 1 to 5 is also present.

5. We are not inclined to entertain the appeal any further. Appeal stands dismissed. No order as to costs. However, we would request that the trial be speeded up and the learned Single Judge may control the flow of trial and give



necessary instructions to the Additional Master who records the evidence to ensure that the evidence is recorded within six months from this date.

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(C.V.K.,J.) (K.B.,J.)
24-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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