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CRP.No.6576 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6576 of 2025 and
CMP No.32541 of 2025**

Babu, S/o Lakshminarayanan,
Rajambal Nagar,
Kallakurichi Taluk and District

Petitioner(s)

Vs

1. Arul
S/o Periyasamy, Kavarai Street,
Kallakurichi Taluk and District

2.Kalpana
W/o Arul, Kavarai Street, Kallakurichi
Taluk and District

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 12.08.2025 made in IA.No.01 of 2025 in OS.No.102 of 2015 on the file of I Additional District Munsif, Kallakurichi.

For Petitioner(s): Ms. U.Ramya
for Mr. R. Bharath Kumar



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4. The learned counsel for the petitioner would submit that pending suit, an Advocate Commissioner was appointed and he submitted a report stating the respondents/defendants had put up construction well within their property and there is no encroachment in the property of the petitioner. Since it is established by the report of the Advocate Commissioner that the defendants have not encroached any portion of the suit property, the petitioner wants to delete the prayer for mandatory injunction and to substitute the same with a prayer for injunction. It is vehemently contended by the learned counsel for the petitioner that the defendants are the adjacent owner of the suit property and hence, there is every possibility to interfere with the possession of the plaintiff's property by the respondents/defendants.

5. It is not the case of the petitioner/plaintiff that the defendants have attempted to interfere with his possession of the property. The petitioner presumed that the construction put up by the defendants lies in his property and filed the suit. The report of the Advocate Commissioner proved that the defendants had put up their construction well within their property. In such circumstances, there is no necessity for inclusion of prayer for injunction, which is sought to be introduced by the petitioner. Further, misconception on



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the part of the petitioner cannot be the basis for allowing amendment application to include the prayer for permanent injunction. Therefore, I do not find any error in the impugned order passed by the Trial Court.

6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

02.01.2026

Internet : Yes
Index : Yes / No
Neutral Citation: Yes/No
MST

To

The I Additional District Munsif,
Kallakurichi.



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S.SOUNTHAR, J.

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