



CRP No.162 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09-04-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI
CRP No. 162 of 2026 and CMP No.707 of 2026

1. Periyasamy
S/o. Late Kolanthavel Gounder, D.No.2/63,
Karungalpalayam, Papinayackanpatti
Village, Namakkal Taluk and District.

Petitioner(s)

Vs

1. Thangavel
S/o. Muthusamy Gounder, D.No.5/16,
Musuri kaatupalayam, Musuri Village and
Post, Tiruchengode Taluk, Namakkal
District.
2.Meiyazhalagan
S/o.Periyasamy, D.No.2/227, Palakadu,
Periyamanali Village, Tiruchengode Tk,
Namakkal Dist.
3.The State
Rep.by its District Collector, Collectorate,
Tiruchengode Road, Namakkal Town,
Namakkal.
4.The Tahsildar
Taluk Office, Mohanur Road, Namakkal
Town, Namakkal Tk.
5.The Block Development Officer
Mohanur Road, Panchayat Office,
Namakkal.
6.The President
Pappinaickenpatty Panchayat Office,
Pappinaickenpatty Village, Namakkal Dist.

Respondent(s)



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Civil Revision Petition filed under Article 227 of Constitution of India
against the fair and decreetal order dated 14.10.2025 passed in I.A.No.3 of 2024 in
O.S.No.290 of 2021 on the file of Additional Subordinate Court, Namakkal.

For Petitioner(s): Senthil S

For Respondent(s): M/s.P.R.Janani For R1 And R2
Mr.V.Ramesh
Govt.Advocate
For R.3 and R.4
M/s. Anandan
Govt.Advocate
For R.5 and R.6

ORDER

Challenging the impugned order passed by the trial Court in I.A.No.3 of 2024
in O.S.No.290 of 2021, the plaintiff has filed the above revision.

2. Before the trial Court, the defendants 1 and 2 filed an application in
I.A.No.3 of 2024 under Order VI Rule 17 of Civil Procedure Code to amend the written
statement and the same was allowed by the trial court. Aggrieved by the same, the
plaintiff has preferred the above revision.

3. Learned counsel for the revision petitioner/plaintiff submits that the reasons



assigned by the respondents/defendants for amending the written statement are not permissible and after four years of filing of written statement, the defendants filed an application for amendment and more particularly, the defendants want to change the entire conversation into false one, which is not permissible. But, the trial Court, without considering all these aspects, allowed the application which is liable to be set aside. In support of his submission, learned counsel for the revision petitioner/plaintiff relied on the decision of the Hon'ble Supreme Court in the case of *Gautam Sarup vs Leela Jetly and Others* reported in (2008) 7 SCC 85.

4. Learned counsel for the respondents/defendants state that before commencement of trial, they have gone through the written statement and they found that the written statement requires some rectification since at the time of giving instructions to file the written statements, they were under stress and could not furnish the entire particulars and further submits that if they are not given an opportunity to amend the written statement, they will be put to hardship and therefore prays for dismissal of the revision.

5. Heard the submissions of the learned counsel on either side and perused the materials available on record.



6. A perusal of the records would show that the respondents/defendants want to amend all the paragraphs in the written statement and in some of the paragraphs they want to delete certain facts and in some of the paragraphs they want to include some facts. The trial Court, considering the fact that the trial has not commenced, allowed the application. The revision petitioner/plaintiff raised strong objection stating that the respondents/defendants are not entitled for such amendment after having given affirmed affidavit while filing the written statement.

7. The trial court has held that it is in the stage of pre-trial and some of the averments in the written statement require amendment as according to the respondents/defendants that it was mistakenly mentioned and also according to the respondents/defendants that at the time of filing original written statement, they inadvertently made some mistake and now they want to rectify the same as the trial has not commenced.

8. If the reasons assigned by the respondents/defendants are reasonable one, the Court is entitled to receive the amendment in the written statement. Moreover, the defendants, being senior citizens, state that at the time of filing of written statement, certain facts were omitted to be mentioned.



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9. Considering the age of the parties and also considering the fact that the suit is at the stage of pre-trial, this Court is inclined to permit the respondents/defendants to amend the written statement and accordingly, the order passed by the trial Court in I.A.No.3 of 2024 warrants no interference. Though the decision relied on by the learned counsel for the revision petitioner/plaintiff is acceptable, it will not apply to the facts of the present case.

10. In the result, the civil revision petition is dismissed. However, liberty is granted to the revision petitioner/plaintiff to file reply statement and also to cross examine the defendants with regard to the said amendment.

No costs. Consequently, connected miscellaneous petition is closed.

09.04.2026

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Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order



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To

The Additional Subordinate Court, Namakkal

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