



CRP(MD). No.261 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.261 of 2026

and

C.M.P(MD) No.1083 of 2026

1.Lakshmi

2.Murugeswari

3.Ramar

... Petitioners

Vs

1.Ganesan

2.Amma Ponnu

3.Santhammal

4.Rooth

5.Aaseervatham

6.Gyanatheepam

7.Yesudhasan

8.M.Dass

... Respondents



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PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to allow this revision by setting aside the order and decree dated 02.12.2025 made in I.A.No.1 of 2024 in A.S.No.32 of 2018 on the file of the Principal Sub Court, Srivilliputhur.

For Petitioners : Mr.T.Arun Ganesh

ORDER

This Civil Revision Petition has been filed challenging the order dated 02.12.2025 made in I.A.No.1 of 2024 in A.S.No.32 of 2018 on the file of the Principal Sub Court, Srivilliputhur.

2. The petitioners filed an application seeking amendment of the original plaint by claiming that the petitioner is entitled to $\frac{8}{36}$ share ($\frac{7}{36} + \frac{1}{36}$), including the share of his deceased mother, on the ground that she died leaving behind the petitioner as her sole legal heir. The appellate Court, on consideration of the materials on record, found that such a claim was sought to be introduced at the appellate stage after the suit had already been decreed.



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3. The learned counsel for the petitioners submitted that if some members of the family, to whom an allotment was made in the preliminary decree, dies, the second preliminary decree amending the first one can be passed. In the present case, the fourth plaintiff, who is mother of the third plaintiff died even during the pendency of the suit and her death was also recorded in the suit, but the share of the fourth plaintiff has not been decided to whom it has to be allotted, since no amendment application was filed with regard to the allotment of the share of the deceased fourth plaintiff. Therefore, these petitioners filed an application to amend the prayer of the suit to allot 22/36th share to the plaintiffs 1 to 3, instead 22/36th share to the plaintiffs 1 to 4.

4. The appellate Court further observed that the petitioner's mother had died during pendency of the suit and therefore, the petitioner ought to have taken appropriate steps at the relevant point of time before the trial Court. Having failed to do so, the petitioner cannot seek amendment of the plaint at the appellate stage.



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5. The appellate Court also rightly held that even if such an amendment is allowed, the judgment and decree already passed cannot be amended in the manner sought and therefore, the application is not maintainable. It was further observed that the petitioners have other remedies available in law to agitate such a claim in the appeal proceedings, without seeking amendment of the plaint.

6. The appellate Court has thus concluded that the application filed at a belated stage is only intended to protract the proceedings and frustrate the disposal of the appeal.

7. This Court is of the view that the petitioners have not shown any valid or justifiable reason for seeking such amendment at this stage. The conduct of the petitioners reflects lack of diligence and the application has been filed after considerable delay without proper explanation.



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8. In such circumstances, no infirmity or illegality is found in the order passed by the appellate Court warranting interference under revisional jurisdiction. Accordingly, this Civil Revision Petition stands dismissed. No costs.

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N.SENTHILKUMAR, J.

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