



C.R.P.(MD)No.259 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2026

CORAM

THE HONOURABLE MR.JUSTICE **N.SENTHILKUMAR**

C.R.P.(MD)No.259 of 2026
and

C.M.P.(MD)No.1059 of 2026

G.P.S.Garudapparamanujam

... Petitioner

-vs.-

Sengamala Janaki (Died)
Jeyam (Died)

- 1.Periyathiruvadi
- 2.Sampathkumar
- 3.Sadagopan
- 4.Venkatesh Azhagiyasingh
- 5.Thiruvadi
- 6.Azhagiya Singamraman

Thiruvenkadam (Died)
G.P.S.Azhwan (Died)
G.P.S.Srinivasaraghavan (Died)
G.P.S.Periyathiruvadi (Died)

- 7.Geetha @ Alamelu
- 8.Seema
- 9.Andal
- 10.G.A.Devapiran
- 11.G.A.Aravinthan
- 12.G.A.Govindhan
- 13.G.A.Alagurathi
- 14.G.A.Mangaladeeparaja



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15.Geetha Nachiyar
16.G.P.S.S.Santhiyanarayanan

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside fair order and decretal order dated 18.08.2022 passed in I.A.No.2 of 2022 in O.S.No.349 of 2023 on the file of the Subordinate Court, Srivaikundam.

For Petitioner :Mrs.J.Anandhavalli

For R1 to R6 :Mr.K.Boobalan for
Mr.K.Kumaravel

ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned Subordinate Judge, Srivaikundam in I.A.No.2 of 2022 in O.S.No.349 of 2023, dated 18.08.2022.

2.The respondents 1 to 6 are the plaintiffs in the suit in O.S.No.349 of 2023. The petitioner and the respondents 7 to 16 are the defendants in the suit. The suit has been filed for declaration of title and for recovery of possession. During the pendency of the suit, the plaintiffs took out an application in I.A.No.2 of 2022 under Order VI Rule 17 and Section 151 of the Code of Civil Procedure, seeking to amend the plaint. The learned Subordinate Judge, Srivaikundam, vide order, dated 18.08.2022, had



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allowed the said application. Challenging the same, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioner reiterating all the contentions set out in the memorandum of grounds of Revision would submit that pursuant to the order passed in the application in I.A.No.1 of 2022 filed for bringing on record the legal heirs of the deceased second plaintiff, the present application under Order VI Rule 17 CPC was filed seeking amendment of the plaint.

4.It is submitted that the trial Court, without properly appreciating the facts of the case, the nature of the proposed amendment, and its impact on the proceedings, has mechanically allowed the amendment application. The Court failed to consider whether such amendment was necessary for determining the real controversy between the parties or whether it would prejudice the petitioner's case. Therefore, the petitioner argues that the order allowing the amendment has been passed without proper application of mind and is liable to be set aside.

5.The learned counsel for the respondents 1 to 6 would submit that



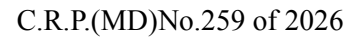
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in the amendment application filed under Order VI Rule 17 CPC, there is a clear endorsement to the effect that no counter was filed by the petitioner. Having failed to raise any objection at the relevant point of time, the petitioner is deemed to have acquiesced to the amendment sought. Hence, he prays for dismissal of this petition.

6.Heard the learned counsel on either side and perused the records.

7.Admittedly, the respondents 1 to 6 filed O.S.No.349 of 2023 for declaration of title along with other reliefs and pending suit, the plaintiffs filed I.A.No.2 of 2022 to amend the plaint. The same was allowed, which is under challenge herein.

8.A perusal of the impugned order clearly shows that the trial Court has recorded an endorsement that no counter was filed by the petitioner to the amendment application. When an opportunity was available to the petitioner to file objections and contest the amendment, the petitioner has not availed the same. In such circumstances, it has to be construed that the petitioner had no serious objection to the amendment sought. Once the petitioner has allowed the application to be proceeded with without filing



9. In the present case, no such illegality or material irregularity is made out. The trial Court, taking note of the absence of any objection, has exercised its discretion in allowing the amendment. Such exercise of discretion does not warrant interference under the revisional jurisdiction of this Court. In the absence of any such infirmity, this Court is not inclined to interfere with the order passed by the Court below.

27.02.2026

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To



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Subordinate Judge, Srivaikundam.



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N.SENTHILKUMAR, J.

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