

C.R.P.(MD) No.612 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(MD) No.612 of 2026
and
CMP(MD) No.2850 of 2026**

Rasiya Beevi

... Petitioner

vs.

Meharinnisha

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside order dated 27.11.2025 made in IA No.3 of 2025 in OS No. 29 of 2020 on the file of District Munsif Court, Aranthangi.

For Petitioner : Mr.Suriya for
M/S.KBS Law Office

For Respondent : Mr.M.Suresh

ORDER

Heard Mr.Suriya for the civil revision petitioner and
Mr.M.Suresh for the respondent.



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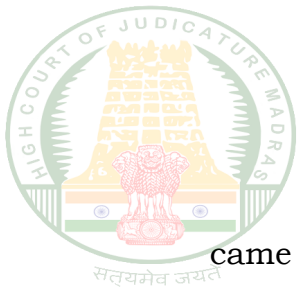
WEB COPY 2.For the sake of convenience, the parties will be referred to as their ranks in the suit.

3.The plaintiff is the civil revision petitioner. She presented a suit in O.S.No.29 of 2020 for the relief of permanent injunction. The suit was presented through a power agent, by name, Shaul Hameed. When the plaint was presented, the suit property was shown as SF.No.181/1 of Rethinakkottai Village, Aranthangi Taluk, Pudukkottai District.

4.Summons were served on the defendant. The defendant filed a detailed written statement, including denying the aspect that no such S.F.No.181/1 exists in the field.

5.On the basis of these pleadings, issues were framed and the parties went for trial.

6.The power agent was examined as P.W1. He was cross-examined on 04.06.2025. The cross-examination was on several aspects, including the survey number. The plaintiff, alleging that she



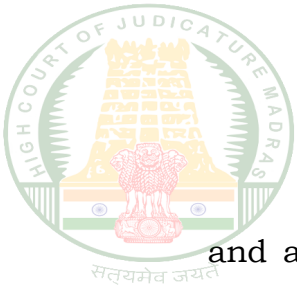
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came to know about the error in the survey number only during the course of cross-examination, filed an application in I.A.No.3 of 2025 for amendment. The only relief sought was to delete S.F.No.181/1 and to substitute it with S.F.No.185/1.

7.This application was stoutly resisted by the defendant, stating that the application has not been filed with due diligence and hence, the proviso to Order VI Rule 17 of the Code of Civil Procedure would apply. It was further pointed out that the suit has been pending in the list for trial for more than three years and only thereafter, the application came to be presented.

8.The learned Trial Judge, on the basis of the affidavit and petition, took up the application for disposal. He referred to several judgments of this Court and that of the Supreme Court and came to a conclusion that the application does not deserve any consideration. Consequently, he dismissed the same. Hence, this revision.

9.Ms.Suriya urged that the amendment seeks to correct a mere typographical error, which is capable of correction, at any stage. She pointed out that the suit is being prosecuted through a power agent



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and at the time of drafting, instead of showing the suit property as S.F.No.185/1, it was shown as S.F.No.181/1. She states that, by amending the schedule, no prejudice will be caused to the defendant.

10.*Per contra*, Mr.Suresh states that the defendant had brought this aspect to the notice of the plaintiff by way of his written statement, which had been filed on 14.07.2021. The plaintiff did not take any steps, despite this aspect has been brought to her notice. The amendment application itself came to be presented only after the trial has commenced and that too on 22.08.2025.

11.He relies upon the judgment of this Court in ***D.Prasannam Vs. Gomathi and another, CRP(MD) No.2169 of 2018,, dated 17.04.2024***, to argue that under similar circumstances, this Court had dismissed the plea for amendment. Hence, he seeks for confirmation of the order passed by the Trial Court.

12.I have carefully considered the submissions of both sides. I have gone through the records.



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13.A perusal of the schedule shows that this is not a suit on a vacant land. The suit property has a house on it. The case of the plaintiff is that the suit property is a Government Poramboke land on which she had erected a superstructure and had been residing therein. It is her further case that, as the defendant attempted to interfere with the possession, she was constrained to move the suit for bare injunction.

14.Mr.Suresh is right that in the written statement, in paragraph No.10, the defendant had pointed out that S.F.No.181/1 does not exist on the field. When such a plea is taken, the plaintiff ought to have amended the plaint soon thereafter. Yet, paragraph No. 10 of the written statement points out that the defendant was aware that there is a mistake in the schedule of property. The purpose of inserting a proviso to Order VI Rule 17 of the Code is to avoid the delay in trial and also, not to take the adversary by surprise. When the defendant is aware that the survey number given in the plaint is erroneous, obviously, he is not going to be taken by surprise.

15.Furthermore, by allowing the amendment application, the nature of the suit nor the cause of action is going to change. Even



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post the amendment, it continues to remain a suit for permanent injunction. I would add, the plaintiff can even today abandon the present suit and file a fresh suit, claiming for the relief over the correct survey number. Such a course of action would only result in multiplicity of proceedings and would lead to harassment of the defendant, facing another round of litigation at the hands of the plaintiff. By amending the survey number alone, no prejudice would be caused to the defendant. On the contrary, it will help the Court to render a just verdict in the suit. The Code of Civil Procedure is not meant to punish the litigant for a typographical error.

16.The position of law has been laid down very recently by the Supreme Court in ***Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited and another, (2022) 16 SCC 1***. The Supreme Court pointed out that the processual objections should not stand in the way of the Code to do complete justice between the parties.

17.At the same time, I have to take note of the fact that the defendant has incurred costs, on account of the error committed by the plaintiff. An additional circumstance, in this case, is that the

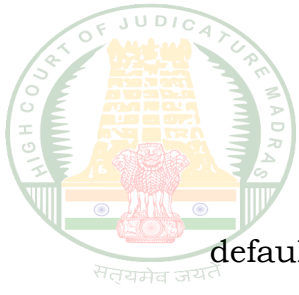


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plaintiff is a Muslim lady, who is represented in the Court by the power of attorney.

18.Insofar as the judgment relied upon by Mr.Suresh, it is clear from paragraph No.12 of the judgment that the plaintiff in that case had created a rectification deed for the purpose of amending the survey number. In other words, he wanted to generate a document to assist him during the course of trial. The additional reason that the learned Judge has given is with reference to the proviso to Order VI Rule 17. The judgment is not entirely based on the proviso, but on the fact that the plaintiff attempted to create records, after having presented the suit. Hence, though at the first blush, the judgment would seem to be in favour of Mr.Suresh, yet, it is factually distinguishable.

19.In the light of the above discussions, the Civil Revision Petition stands **allowed**. The order passed by the learned District Munsif, Aranthangi in IA No.3 of 2025 in OS No.29 of 2020 dated 27.11.2025 is set aside on condition that the plaintiff pays a sum of Rs.7,500/- either to the defendant or to the counsel for the defendant in the Court below, within a period of **two weeks** from today. In



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default of payment of Rs.7,500/-, this revision will automatically stand dismissed, without further notice to this Court. No costs.

Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

15.04.2026

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To

The District Munsif, Aranthangi.



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V. LAKSHMINARAYANAN, J.

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