



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29-06-2026

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

**C.R.P(MD).No.1348 of 2023
and C.M.P(MD).No.6718 of 2023**

Murugan

... Petitioner

Vs

Gurubackiyam

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 31.03.2023 passed in I.A.No.3 of 2022 in O.S.No.466 of 2019 on the file of the District Munsif Court, Rajapalayam and allow the present civil revision petition.

For Petitioner : Mr.R.J.Karthick
For Respondent : No appearance

ORDER

The civil revision petition is filed challenging the order passed by the trial Court in dismissing the amendment application filed by the petitioner under Order 6 Rule 17 of the Code of Civil Procedure.

2.The petitioner herein filed a suit for declaration of title and recovery of possession. When D.W.1 was on box, the petitioner filed an application seeking amendment of description of the suit property. According to the



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petitioner, the measurement of item 3 and item 5 were not given properly by the petitioner and the mistake in the measurement came to his knowledge only after filing of report by the Advocate Commissioner.

3.It is seen from the typed set of papers and the impugned order that the Advocate Commissioner already filed his report and he found that suit item 3 was not at all in existence. As far as suit item 4 is concerned, he mentioned the North-South measurement on eastern side and western side as 2.5 meters. However, in the amendment application, the petitioner wants to amend the North-South linear measurement for 4th item on western side as 3.7 feet and on eastern side as 2.7 meters. As far as item 3 is concerned, the Commissioner found that the said item is not at all in existence on ground. However, the petitioner wants to amend the linear measurement given by him in respect of item 3 also. The amendment sought for by the petitioner is not in accordance with the findings rendered by the Advocate Commissioner. Therefore, the reasoning given by the petitioner as if he came to know of the error in the measurement based on the Advocate Commissioner's report is not at all acceptable. The amendment application has been filed after the commencement of trial. Except the plea that the error in the measurement came to light upon receipt of the report filed by the Advocate Commissioner,



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the petitioner has not given any other reason. In such circumstances, the Trial Court rightly dismissed the amendment application. I do not find any irregularity or illegality in the said order. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

29-06-2026

NCC : Yes/No
Index : Yes/No
Rmk

To

- 1.The District Munsif, Rajapalayam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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S. SOUNTHAR.J.

Rmk

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