



CRP(MD). No.2568 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.2568 of 2022
and
CMP(MD) No.12617 of 2022**

1.Masutha

2.Abuthalibu

3.Sahul Hameed

... Petitioners

Vs

1.Raviya

2.Shajahan

3.Alaudheen

4.Ayupkhan

5.Shakila

6.Sirajeen Nisha

7.Seeni Hussain

8.Najeema

9.Seeralan

10.Shanmugam

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11.Abdul Lathif

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and Executable order passed in I.A.No.708 of 2021 in O.S.No.14 of 2016 dated 11-08-2022 in the court of the District Munsif Court, Ramanathapuram in Ramanathapuram District.

For Petitioner : Mr.S.A.Ajmal Khan

For R2 to R4, R6,
R8 & R10 : Ms.T.Shivasree for
Mr.J.Bharathan

For R1 & R5 : Ms.Madhubala
legal aid counsel

For R7 & R9 : Ms.K.Shwathini
legal aid counsel

ORDER

This Civil Revision Petition has been filed challenging the order made in I.A.No.708 of 2021 in O.S.No.14 of 2016 dated 11.08.2022 on the file of the District Munsif Court, Ramanathapuram.

2.The petitioners/plaintiffs filed a suit in O.S.No.14 of 2016 for the relief of partition and declaration along with other reliefs. During the pendency of the suit, they filed an application in I.A.No.708 of 2021 under Order VI Rule 17 of CPC to amend the plaint. The said



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petition was dismissed. Challenging the same, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioners would submit that during the pendency of the suit, the 11th respondent/11th defendant came to be impleaded as a party to the proceedings and as such, certain averments relating to the 11th respondent have become essential to be incorporated in the plaint. Without such amendment, the real controversy between the parties cannot be properly and completely adjudicated. She would further submit that no prejudice would be caused to the respondents, if the relief sought for by the petitioners is granted by this Court. Hence, she prays for amendment of the plaint.

4.The learned counsel for the respondents 2 to 4, 6, 8 and 10 would submit that the present application for amendment is wholly belated and lacks *bona fides*. It is submitted that though the 11th respondent/11th defendant was impleaded in the suit at an earlier point of time, the petitioners have chosen to file the present application only after a lapse of four years therefrom.



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5.It is further contended that no satisfactory explanation has been offered for such an inordinate delay. The petitioners, having been fully aware of the impleadment of the 11th respondent, ought to have taken steps to amend the plaint at the earliest point of time. Their failure to do so clearly indicates negligence and lack of due diligence. Hence, she prays for dismissal of this petition.

6.The learned counsel for the other respondents concedes with the submission of the learned counsel for the respondents 2 to 4, 6, 8 and 10.

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

8.Admittedly, the petitioners filed a suit in O.S.No.14 of 2016 for the relief of partition and declaration and pending the suit, an application in I.A.No.708 of 2021 has been filed to amend the plaint and the same was dismissed, which is impugned herein.

9.On a careful consideration of the papers, it is seen that the



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Court below has rejected the amendment application on the ground that the proposed amendment contains serious allegations against the 11th respondent/11th defendant. However, such a finding is unsustainable, as the Court below has failed to specifically discuss or identify what those alleged serious allegations are. A mere observation that the amendment contains serious allegations, without any reasoning or analysis, cannot form a valid basis for rejection of the amendment. The Court below ought to have examined the nature of the proposed amendment and determined whether it is necessary for effective adjudication of the issues involved in the suit.

10. In the absence of any such discussion, the order of the Court below suffers from non-application of mind. Accordingly, the Civil Revision Petition is allowed and the order of the Court below is set aside. Liberty is granted to the 11th respondent to file the additional written statement and the trial Court shall independently consider the same in accordance with law. It is made clear that it is for the Court below to examine if necessary pleadings are adduced apart from the oral and documentary evidences. No costs. Consequently, connected Miscellaneous Petition is closed.



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11.The Court places on record its appreciation for the commendable efforts of the legal aid counsel for the respective respondents, namely, Ms.Madhubala, for the respondents 1 and 5 and Ms.K.Shwathini, for the respondents 7 and 9, for conducting the case diligently and providing valuable assistance to this Court. The High Court Legal Services Committee attached to this Bench shall pay a total sum of Rs.10,000/- each towards remuneration to the legal aid counsel for the respective respondents for conducting the case, within a period of two weeks from the date of receipt of a copy of this order, without fail.

12.Registry is directed to forward a copy of this order to the Legal Aid Committee for information.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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25.02.2026

To

The District Munsif, Ramanathapuram.

N.SENTHILKUMAR, J.

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