



CRP(MD). Nos.103 and 104 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). Nos.103 and 104 of 2026

Francis Xavier Paulraj (Died)

1.Julie Flora

2. Divyapreethi

3. Pooranabrindha

4. Sahayaprem

... Petitioners in both cases

Vs

1.Arockiyammal

2.John Vincent Amulraj

... Respondents in both cases

PRAYER :-Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair orders, dated 09.09.2025 passed in I.A.Nos.4 and 5 of 2023 in O.S.No.246 of 2017 on the file of the Additional District Munsif Court, Manaparai, Trichy District by allowing this Civil Revision Petition.

For Petitioners : Mr.D.Nallathambi (in both petitions)



CRP(MD). Nos.103 and 104 of 2026

COMMON ORDER

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These Civil Revision Petitions have been filed challenging the orders, dated 09.09.2025 passed in I.A.Nos.4 and 5 of 2023 in O.S.No. 246 of 2017 on the file of the learned Additional District Munsif Court, Manaparai, Trichy District.

2. The revision petitioner/plaintiff, who has since died, was the plaintiff in the suit. Originally, a settlement was made by the mother of the revision petitioner, namely Arockiyammal, who is the first defendant in the suit, in favour of the plaintiff. The first defendant is the mother and the second defendant is the younger brother of the plaintiff, whereas the plaintiff in the suit is the elder brother.

3. It is the case of the revision petitioner that the first defendant executed a settlement deed in favour of the plaintiff on 08.02.2013 and the same was subsequently cancelled unilaterally by the first defendant on 19.09.2014.

4. Aggrieved by the unilateral cancellation of the settlement deed,



CRP(MD). Nos.103 and 104 of 2026

the plaintiff filed the suit in O.S.No.246 of 2017 seeking a declaration and permanent injunction.

5. During the pendency of the trial, the plaintiff filed applications in I.A.Nos.4 and 5 of 2023 seeking amendment of the prayer in the plaint and to reopen the case. According to the learned counsel for the revision petitioner, unless such amendment is allowed, the plaintiff will not be in a position to obtain complete relief and proper justice in the suit. The details of the amendment sought to be made are as follows:

In plaint After Paragraph No. 12.

1) Add Paragraph No.12 (a) During the pendency of the suit the 2 defendant has trespassed into the suit property and put up a tiled house. The plaintiff has objected the trespass and the defendant is not cared about the pending of the suit. The 2nd respondent is liable to remove the encroached construction put up on the suit property by his own cost and hand over the vacant site to the plaintiff.



CRP(MD). Nos.103 and 104 of 2026

In Paragraph No.15 "remove Rs.6,000 and substitute with Rs. 1,49,880.00.

In Details of valuation in fifth line after fees Act Insert "The suit for the relief of Declaration and consequential relief of recovery of possession is valued as per guide line value is Rs. 1,34,880.00, for this Court fee is paid U/s: 25 (a) of TNCF act is Rs. 4,317.00.

In prayer column No.16 after a. "add b. for a declaration" that the plaintiff is the absolute owner of the suit property and consequential relief of recovery of possession after removing tiled house constructed by the 2nd defendant during the pendency of the suit on the suit property.

In prayer remove b and substitute with c.

In prayer remove c and substitute with d.

In prayer remove d and substitute with e.

6. The trial Court, after considering the submissions made and the



CRP(MD). Nos.103 and 104 of 2026

stage of the suit, dismissed the said applications by orders, dated 09.09.2025. While doing so, the trial Court relied upon the judgments of the Honourable Supreme Court of India in ***Vidyabai vs. Padmalatha reported in (2009) 2 SCC 409 and Revajeetu Builders vs. Narayanaswamy & Sons reported in (2009) 10 SCC 84*** and held that the applications were belated and that if the amendments were allowed, it would alter the nature of the suit.

7. The learned counsel appearing for the revision petitioner submitted that the suit itself is now posted for judgment and that the plaintiff had also filed an emergency application before the trial Court seeking to reopen the case. According to the learned counsel, though the amendment applications were filed earlier in the year 2023, the orders came to be passed only on 09.09.2025.

8. In support of his contention, the learned counsel relied upon the judgment of this Court in ***Krishnamurthy vs. Vijayakumar reported in 2025 (2) CTC 528*** and contended that the amendment should be allowed in order to render complete justice between the parties. The relevant



portion is extracted hereunder:

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13. Turning to the first point of Mr. Harishankar, that the Proviso to Order 6. Rule 17 bars the amendment, I have to point out that the bar under the said Proviso is not an absolute one. In terms of the Proviso, the power of the Court to grant an amendment liberally has been restricted, but it has not been taken away. In fact, the Code being one of fairness, in order to ensure that the litigating parties are placed on an even bed, to grant amendments, has not been taken away but restricted. This is to ensure that a Court is able to render a just verdict in the dispute that has been presented to it. Prior to allowing the application, the proviso demands that the Court must ensure that the party could not have raised the matter before the commencement of the trial. This implies that new pleadings cannot be introduced, if they could have already been taken, at an earlier stage. A perusal of the amendment Application shows that the Complaint is not touching on any of the averments that have been made in the Complaint but is only seeking to amend the relief portion alone.

9. This Court has considered the submissions made by the learned counsel for the revision petitioner and perused the materials available on



CRP(MD). Nos.103 and 104 of 2026

record.

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10. There can be no dispute with regard to the proposition that amendment of pleadings can be allowed in appropriate cases to enable the Court to adjudicate the real controversy between the parties. However, such amendment cannot be allowed when it is filed at a highly belated stage and when the amendment sought would alter the nature and character of the suit.

11. In the present case, the amendment applications were dismissed by the trial Court by orders, dated 09.09.2025. It is also brought to the notice of this Court that the suit itself is now posted for pronouncement of judgment. At such a stage, permitting the amendment sought for by the revision petitioner would certainly alter the nature of the suit and would cause prejudice to the defendants.

12. The trial Court, by relying upon the judgments of the Honourable Supreme Court in ***Vidyabai vs. Padmalatha and Revajeetu Builders vs. Narayanaswamy & Sons***, has come to the conclusion that



CRP(MD). Nos.103 and 104 of 2026

the applications were belated and that the amendment sought would change the nature of the suit. This Court does not find any infirmity or illegality in the said reasoning.

13. In view of the above, this Court is of the considered opinion that no interference is warranted with the orders passed by the trial Court.

14. Accordingly, these Civil Revision Petitions are dismissed. No costs.

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

05.02.2026

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CRP(MD). Nos.103 and 104 of 2026

N.SENTHILKUMAR, J.

Indu

CRP(MD). Nos.103 and 104 of 2026

05.02.2026