



CRP(MD). No.3651 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3651 of 2025
and
CMP(MD) No.19327 of 2025**

S.Balaji

... Petitioner

Vs

1.Kalavathy

2.Subramani

3.Vellaisamy

... Respondents

PRAYER :-Civil Revision Petition filed under Section 115 of CPC., to set aside the fair and decreetal order dated, 25.07.2025 made in I.A.No. 08 of 2025 in A.S.No.17 of 2017 on the file of the Sub Court, Uthamapalayam.

For Petitioner : Ms.Gayathri for
Mr.K.Guhan

For Respondents : Ms.T.Shivashree
legal aid counsel



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ORDER

This Civil Revision Petition is filed challenging the order passed in I.A.No.08 of 2025 in A.S.No.17 of 2017 dated 25.07.2025 on the file of the Subordinate Court, Uthamapalayam.

2.The petitioner is the plaintiff in the suit in O.S.No.209 of 2009. The suit was decreed in favour of the petitioner. Challenging the same, the first respondent preferred an appeal in A.S.No.17 of 2017 and the same was allowed. Subsequently, the first respondent filed an application in I.A.No.8 of 2025 under Section 151, 152 and 153 of CPC to amend the schedule of property. The said IA was allowed. Challenging the same, the present Revision.

3.The learned counsel for the petitioner reiterating all the contentions set out in the memorandum of grounds of Revision would submit that the Court below has committed a serious error in granting permission to the first respondent to amend the property description after the judgment in the appeal suit had already been pronounced. According



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to the petitioner, once the appellate Court has pronounced the judgment, it becomes *functus officio* and thereafter, it has no jurisdiction to entertain any application seeking amendment of the pleadings or property description. Hence, she prays for appropriate orders.

4.*Per contra*, the learned legal-aid-counsel for the respondents would submit that the amendment permitted by the Court below relates only to the correction of the property description and does not in any manner alter the nature of the case or the findings already rendered in the judgment. It is further submitted that the amendment was sought only to rectify an inadvertent mistake in the description of the property, so as to bring clarity and to avoid any ambiguity in the execution of the decree. Such correction is only formal in nature and does not affect the merits of the judgment already pronounced by the appellate Court. Hence, she prays for dismissal of this petition.

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



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6.The only short point that arises for consideration is that after the pronouncement of the judgment whether an application to amend the property is liable to be entertained?

7.Considering the facts and circumstances of the case as well as from the perusal of papers, it is seen that the amendment sought by the first respondent pertains only to the correction of the property description and the same has been allowed by the appellate Court in order to avoid any ambiguity in identifying the property. The Court below has exercised its discretion in permitting the amendment so as to ensure that the records and decree properly reflect the subject matter of the dispute. This Court does not find any illegality or material irregularity in the order passed by the Court below warranting interference under the revisional jurisdiction.

8.Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

9.This Court places on record its appreciation for the commendable efforts of the legal-aid-counsel for the respondents,



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namely, Ms.T.Shivasree, 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/- towards remuneration to the legal-aid-counsel for the respondents for conduct of the case, within a period of two weeks from the date of receipt of a copy of this order, without fail.

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

28.01.2026

To

The Subordinate Judge, Uthamapalayam.



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N.SENTHILKUMAR, J.

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