



CRP(MD). No.3596 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 12.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3596 of 2025
and CMP(MD).No.19148 of 2025**

1.Shanmugavelu
2.Rajalakshmi

... Petitioners

Vs.

1.Kumaravelu
2.Chandran

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the decree and judgment dated 08.10.2025 and 16.10.2025 in I.A.No.3 of 2024 in O.S.No.55 of 2019 passed by the learned District Munsif Court, Mudukulathur.

For Petitioners : Mr.K.C.Ramalingam

For Respondents : Mr.N.Juliet Latha

ORDER

This Civil Revision Petition has been filed challenging the decree and judgment dated 08.10.2025 and 16.10.2025 in I.A.No.3 of 2024 in O.S.No.55 of 2019 passed by the learned District Munsif Court,



CRP(MD). No.3596 of 2025

Mudukulathur.

WEB COPY

2. Heard the learned counsel appearing for the revision petitioners and the learned counsel for the respondents.

3. Originally suit was filed by the respondents as plaintiffs in O.S.No.55 of 2019 for bare injunction. Pending suit they have filed an amendment application in I.A.No.3 of 2024 seeking amendment of prayer to include the prayer of declaration and recovery of possession. This application was filed at the pretrial stage. The trial Court allowed the petition on payment of costs stating that no prejudice will be caused to the respondents. The amendment could not be ordered at the pretrial stage. Hence, it will alter the nature of the suit. Hence, this civil revision petition has been filed.

4. The learned counsel for the respondents submitted that the suit was filed for bare injunction. However, the amendment is sought for declaration and recovery of possession. There is only change in survey number. This mistake was brought to the light only after the filing of the



CRP(MD). No.3596 of 2025

Commissioner's report filed by the Advocate Commissioner. Hence, no prejudice will be caused to the petitioners herein.

5.This Court perused the records. This application has been filed only based on the Advocate Commissioner's report. If the amendment petition is allowed, it will alter the nature of suit without new cause of action. Hence, the order passed by the trial Court is liable to set aside.

6.Accordingly, this civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed. The order passed by the learned District Munsif Court, Mudukulathur in I.A.No.3 of 2024 in O.S.No.55 of 2019 dated 16.10.2025 is hereby set aside.

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

12.02.2026

TM

To

1.The District Munsif, Mudukulathur.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.

3/4



WEB COPY



CRP(MD). No.3596 of 2025

N.SENTHILKUMAR, J.

TM

CRP(MD). No.3596 of 2025

12.02.2026