



CRP(MD). No.3777 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3777 of 2025
and
CMP(MD) No.19877 of 2025**

Nathan Samuvel (Died)

1.Viji Selvakumari

2.Sheebha Pershi

3.Nijanthan Arockiyasami

... Petitioners

Vs

Rose Punithamani (Died)

1.Arunmozhi

2.Yalini

3.Kanimozhi

4.Florance Amshtina

5.Manomani

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A. No.11 of 2025 in O.S.No.257 of 2018 on the file of the District Munsif Court, Pattukkottai dated 02.09.2025.



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For Petitioners : Mr.V.Muthu Kamatchi
For Respondents : Mr.D.Moses Jeyakaran

ORDER

This Civil Revision Petition has been filed challenging the order passed in I.A.No.11 of 2025 in O.S.No.257 of 2018 on the file of the District Munsif Court, Pattukkottai, dated 02.09.2025.

2.The petitioners/plaintiffs filed a suit in O.S.No.257 of 2018 for the relief of declaration, permanent injunction along with other reliefs. During the pendency of the suit, they filed an application in I.A.No.11 of 2025 under Order VI Rule 17 of CPC to amend the plaint. The said petition was dismissed. Challenging the same, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioners reiterating all the contentions set out in the memorandum of grounds of Revision would submit that the petitioners, while going through the commission report, recently came to know that there is a mistake in the description of survey numbers mentioned in the plaint. Hence, he sought for amendment.



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4.He would further submit that by amending the original survey numbers in the plaint, no prejudice would be caused to the respondents/defendants. In the absence of any such prejudice to the respondents/defendants, the application filed by the petitioners be allowed, however the same was dismissed. Hence, he prays for appropriate orders.

5.The learned counsel for the respondents would submit that the present application had been filed balatedly after a period of 7 years from the date of initiation of the suit. The matter has already been posted for filing of proof affidavit and only to protract the proceedings further, the petitioners have filed the present application. Hence, he prays for dismissal of this petition.

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

7.Admittedly, the petitioners filed a suit in O.S.No.257 of 2018 for the relief of declaration, permanent injunction and pending the suit, an application in I.A.No.11 of 2025 has been filed to amend the plaint, which was dismissed.



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8. On a careful consideration of the papers, this Court finds that the proposed amendment is only for the purpose of correcting a clerical/typographical error with regard to the survey numbers. Such an amendment is essential for proper identification of the suit property and for effective adjudication of the dispute between the parties.

9. It is settled principle that amendments, which are necessary to determine the real controversy between the parties, ought to be allowed liberally. In the present case, by the correction of the survey numbers, which is stated to be due to inadvertence, no serious prejudice would be caused to the respondents, as they would have adequate opportunity to meet the amended pleadings. In such circumstances, the rejection of the amendment application by the Court below is un-sustainable.

10. Accordingly, the Civil Revision Petition stands allowed and the order impugned herein is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

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

12.02.2026



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The District Munsif, Pattukkottai.



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N.SENTHILKUMAR, J.

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