

IN THE COURT OF THE IV ASSISTANT COURT,
CITY CIVIL COURT, CHENNAI.

PRESENT: Tmt.S.LAKSHMI, M.L.,
IV Assistant Judge
Tuesday, the 11th day of August, 2026
I.A.No.14/2026 in O.S.No. 3891 of 2018
(CNR.No.TNCH01-008156-2018)

1. G.Nirmala,
NO.9, Hanumantharayar Koil Street,
Otteri, Chennai – 12.

2. Mr.D.Gopinath,
NO.9, Hanumantharayar Koil Street,
Otteri, Chennai -600 012.

3. Mr.D.Babu
No.9, Hanumantharayar Koil Street,
Otteri, Chennai – 600 012.

4. Mr.D.Lokesh,
No.9, Hanumantharayar Koil Street,
Otteri, Chennai – 600 012.

....Petitioners/Defendants No.5 to 8

Vs

1. M.Varadharajan,
18/43, Chinnathambi Naicken Street,
Kuyapetai, Chennai 600 012.

...Respondent No.1/Plaintiff

2.S.Muthukrishnan (Deceased)
18/43, Chinnathambi Naicken Street,
Kuyapetai, Chennai – 600 012.

3. S.Vijayalakshmi (Deceased)
No.9, Hanumantharayar Koil Street,
Otteri, Chennai – 12.

4. M.Ranganathan,
No.14/30, II Floor, AP Road,
II Lane, Choolai, Chennai – 600 012.

5. N.Jayalakshmi,
NO.104, 4th Street, Gajalakshmi Nagar,
Nolambur, Maduravoil, Chennai – 95.

...Respondents 2 to 5/Defendants 1 to 4

This petition is filed under Sec.152 of CPC seeking prayer to pass an order to correct/amend the name of the defendant No.7 as D.Babu in the place of D.Balu shown in the short cause title of Judgment and decree dated 29.04.2026 and also correct /amend the name of the plaintiff as “M.Varadharajulu alias M.Varadharajan” in the place of “M.Varadharajan” shown in the short cause title of the Decree dated 29.04.2026 passed in the above suit. It came for final hearing in the presence of M/s.K.P.Ashok, learned counsel for the petitioners/defendants Nos.5 to 8 and respondent NO.1/plaintiff counsel no counter endorsed. Upon hearing the Petitioner side argument on perusal of records and having stood over for consideration till this day this court delivers the following :

ORDER

1. Gist of petition Grounds:

(i) The petitioners Nos.1 to 4 are the Defendants Nos. 5 to 8 in the main suit. This affidavit filed by the respondent No.3/Defendant NO.7 in the main suit. The respondent No.1 filed the above suit against the defendants for declaration and injunction. The above suit was decreed partially as per judgment and decree dated 29.04.2026. But in the judgment and decree in short cause title, the petitioner No.3 name (7th defendant name) is wrongly shown as D.Balu instead of D.Babu. In fact himself and the petitioner NO.3 brothers namely the petitioners Nos.2 and 4 (i.e., defendants Nos.6 and 8) were impleaded as legal heirs of the deceased defendant No.2 Vijayalakshmi (petitioner No.3 mother) as per the order dated 26.09.2025 passed in IA NO.10 of 2025 filed by the plaintiff for impleading the petitioners. In fact in the affidavit and petition filed by the plaintiff in IA NO.10 of 2025 for impleading petitioners, The petitioner NO.3 name is correctly shown as D.Babu. But

it seems the plaintiff has wrongly typed the petitioner NO.3 name in the APC (Copy of Amended plaint), which is not petitioners mistake.

(ii). The petitioner No.3 further state that similarly in the decree the name of the plaintiff is typed as “M.Varadharajan” but in the Judgment it is correctly shown as “M.Varadharajulu alias M.Varadharajan”. The plaintiff has himself filed a petition to amend his name in IA NO.1 of 2022 which was ordered on 04.09.2023. Hence the name of the plaintiff has to be corrected in the short cause title of the Judgment also. It is absolutely necessary to correct and amend the Judgment and decree as stated above as otherwise they will be put to irreparable loss, hardship and injury, No prejudice will be caused to the respondents. Hence prayed to allow this application.

2. The respondent No.1/plaintiff counsel no counter endorsed.

3. The point for consideration is Whether this petitioner prayer for amendment of the Judgment and Decree under Sec. 152 CPC can be allowed or not?

4. This court carefully perused the records and it could be seen that the main suit filed by the plaintiff for the declaration and injunction and while describing the name of plaintiff and 7th defendant there has been error occurred thus to correct their name this application has been filed. To correct the name as “M.Varadharajan-M.Varadharajulu alias M.Varadharajan” and also to amend the name of 7th Defendant named Balu as D.Babu thus prayed to allow this application. The petitioners prayer found to be reasonable and it will not change the nature of judicial decision in any manner. It is also seen that the respondents failed to raise any objections and they too endorsed of no objection and whereby prayed to relevantly amend the name in their copies issued. It is apparent that the prayer of the petitioner will not in any manner change the operative portions of the judgment and Decree to adversely affect the parties. So, this court justified to record that as per Sec.152 CPC - Clerical or

arithmetical mistakes in decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties. So, this court inclined to allow this application accordingly modified the judgment and Decree permitted to amend the names as prayed accordingly this petition allowed.

5. In the result this petition allowed with out cost

Dictated to the Steno-typist directly computerized corrected and pronounced by me in the open Court, this the 11th day of August, 2026.

IV Assistant Judge,
City Civil Court, Chennai

Draft/Fair Order
I.A.No.14/2026
in
O.S.No.3891/2018
Dated: 11.08.2026
IV Asst. Court