

**IN THE COURT OF I-ADDITIONAL DISTRICT JUDGE, TIRUVALLUR
PRESENT: Tmt. S. TASNEEM, M.L.
I Additional District Judge, Tiruvallur**

Wednesday, the 4th day of February , 2026

I.A.19/2026 in OS No.33/2014

1. G.R. Rameshbabu
2. Vinoth , S/o G.R. Krishnamoorthy
3. Vivek,
4. Vignesh
5. R. Kasturi,

...Petitioners/defendants 3, 5, 6, 7 and 10

Versus

1. G.R. Sridharan (die)
2. S. Srinivasan
3. R. Pramila
4. S. Lokabiran

...respondents 1 to 4

5. G.R. Damodharan
6. G.R. Alavandar
7. Manjula
8. Rasikala
9. Gajalakshmi

...Respondents 5 to 9 /defendants 1, 2, 4 , 4, 8 and 9

This Petition coming on 30.01.2026 for final hearing in the presence of M/s V.P. Dillibabu, learned counsel for the Petitioner and M/s R. Damodaran, learned counsel for the respondents 1 to 4 / plaintiffs, M/s Rajagopal, counsel for the 5th respondent and having the respondents 6 to 9 called absent, set exparte, upon perusing the documents and entire case records, this Court delivered the following:-

ORDER

This petition filed by the Petitioners under Order VI Rule 17 of C.P.C. to amend the written statement as follows :

In the written statement para No.07, the last line after the word “Rangaiah Naidu” add the word, the properties situated at Perambakkam Village, Tiruvallur Taluk and District comprised in the following survey Numbers

Sl. No.	Survey No.	Hectare	Acres
1.	Wet Survey No.53/1	0.07.5	0.18
2.	Wet survey No. 53/2	0.07.0	0.17
3.	Wet Survey No.53/3	0.13.0	0.32
4.	Wet Survey No.53/4	0.13.5	0.33
5.	Wet Survey No.53/6	0.11.5	0.29
6.	Wet Survey No.54/1	0.14.5	0.36
7.	Wet Survey No.54/2	0.15.0	0.37
8.	Wet Survey No.54/3	0.14.0	0.34
9.	Wet Survey No.68/2	0.09.5	0.24
10.	Wet Survey No.69/2	0.23.0	0.57
11.	Wet Survey No.69/3	0.08.5	0.21
12.	Wet Survey No.70	0.14.0	0.35
13.	Wet Survey No.74/1	1.00.0	2.47
	Bore Well with SC No.149		
14.	Wet Survey No.74/2	0.17.0	0.42
15.	Wet Survey No.75/1	0.28.05	0.71
16.	Wet Survey No.75/.2	0.14.0	0.35
17.	Wet Survey No.763	0.12.5	0.31
18.	Wet Survey No.77/1	0.31.0	0.75
19.	Wet Survey No.77/2	0.14.5	0.35
20.	Wet Survey No.77/3	0.12.5	0.31
21.	Wet Survey No.77/4	0.12.0	0.29
22.	Wet Survey No.77/5	0.12.5	0.31
23.	Wet Survey No.77/6	0.07.5	0.19
24.	Wet Survey No.77/7	0.07.5	0.19
25.	Wet Survey No.77/8	0.07.5	0.19
	Total		10.57 Acres

2. In para No.08 of the written statement the last line after the word, “Rajaram Naidu” add the word, the plaintiff even during the bedridden condition of the Sriramalu Naidu approached Sriramulu Naidu by giving a false assurance that he will share the suit properties with the other brothers obtained general power of attorney deed from the wife of Indhumathi, Sriramalu and his brothers Srinivasan through the Registered General Power of Attorney deed No.1380/2001 dated 26.11.2001. In fact, the 3rd defendant has witnessed the sale. However, without the knowledge of 3rd defendant, the other defendant intentionally created the following documents to avoid partition with his brothers,. The documents are :

1. General Power of Attorney deed in favour of Sridharan under Document No.1380/2001 executed by Jayanthi D/o Sriramulu Naidu
2. General Power of Attorney Deed in favour of Sridharan under Document No.1390/2002 executed by Indhumathi, W/o Sriramulu Naidu
3. Sale deed in favour of Sridharan under Document No.1762/2003
4. Sale deed in favour of Sridharan under Document No.1763/2003
5. Sale deed in favour of Sridharan under Document No.1764/2003

Document 3, 4, 5 executed by legal heirs of Sriramulu Naidu, Vijayalakshmi, Hemamalini, Jayanthi through the plaintiff and Indumathi, W/o Rajaram Naidu.

2. Brief averments of the Petitioners is as follows :-

According to petitioner, the petitioners have filed the written statement in the above case on 10.06.2022, when it came to their knowledge about the pendency of the suit. In the written statement, it was clearly mentioned that properties owned by Rajaram Naidu was given to the heirs of Rangaiah Naidu, the plaintiffs and defendants and they are in continuous possession and enjoyment till date. In fact, this fact was admitted by plaintiff in the plaint. Since plaintiff intentionally omitted to include those properties in para No.7 of their earlier written statement, the petitioners have mentioned the survey Nos and details about the documents created by the plaintiffs in the earlier statement. However, they have already filed those documents in IA.11/2023 dated 08.09.2023. Hence, this petition to amend the earlier written statement on 10.06.2022 by impleading the Survey No. and about the details of the documents as mentioned in the petition. The petitioners have a good case on contest. There is no new facts through the documents. Hence, if the petition is not allowed, they will be put to loss and hardship. Hence, this petition to amend the written statement.

3. The counter filed by the respondents 1 to 4/ plaintiff in brief :

The respondents 1 to 4 resisted the petition stating that the properties which are now sought to be added by way of amendment were already declared as absolute self-acquired properties in OS No.11/2004 of 1st respondent/1st plaintiff which was also confirmed by the Hon'ble High Court, Madras in SA No.526/2014

dated 08.11.2019. Petitioners already filed IA.10/2023 to include the said properties, which was allowed on 04.11.2023. Against the said order, the plaintiffs preferred appeal in CRP No.56/2024 before Hon'ble High Court, Madras which was allowed on 13.08.2024, thereby setting aside the orders passed by this Court in IA.10/2023. The 1st plaintiff was declared as absolute owner of the properties which are now sought to be included which is barred by the Decree and Judgment in SA No.526/2014 dated 08.11.2019. In the CRP.56/2024, the Hon'ble High Court, Madras held that cause of action or any right claimed in the properties is entirely different and it cannot be clubbed along with the present suit for partition, which pertains only to the said Family of Rangaiah Naidu. The application filed by petitioners to amend the written statement already filed by them pertains only to properties which are covered in OS.11/2004 which already attained finality. Hence, if the same is allowed, it will lead to re-litigation of a concluded issue. The petitioners have not come to Court with clean hands. Hence, prayed to dismiss the petition.

4 No oral and documentary evidence by both side.

5. Now, the points for consideration in this petition are:

- 1) **Whether the petitioner is entitled to the relief as prayed for ?**
- 2) **Whether this petition is to be allowed?**

6. **POINTS 1 AND 2 :-**

Heard both side.

This petition is filed to amend the Written statement filed by the petitioners who are the defendants 3, 5, 6, 7 and 10 in the originals suit

7. On perusal of records, it is seen that the deceased 1st respondent/ 1st plaintiff filed the originals suit for partition of suit property and allotment of his share. The written statement was filed on 10.10.2014 itself and issues framed and trial has commenced in the Originals suit. Now, the case is pending for cross examination of PW2. While so, the petitioners / defendants 3, 5, 6, 7 and 10 have come forward with the petition to amend the written statement by including the properties , i.e. Item No.1 to 25 as mentioned in the petition that it belongs to Rangaiah Naidu. Further, In para No.8 the petitioners want to include an averments as to mentioning of general power deed of the year 2001 , 2002 and sale deeds in favour of the plaintiff.

8. It is the case of the petitioners that legal heirs of Rangaiah Naidu , i.e. plaintiffs and defendants were in joint possession of the properties sought to be included and as such, it is necessary to include those properties in the written statement. On the other hand, the respondents/plaintiffs vehemently objected the inclusion of the properties in Sl.No.1 to 25 in the petition as it is the subject matter in the Original Suit No. 11/2004 of 1st respondent/1st plaintiff which was also confirmed by the Hon'ble High Court, Madras in SA No.526/2014 dated 08.11.2019. Further, similar petition in IA No.10/2023 was filed by petitioners which was allowed on 04.11.2023, against which the plaintiffs preferred revision in CRP No.56/2024 before Hon'ble High Court, Madras which was allowed on

13.08.2024, by which the orders in IA.10/2023 was set aside.

9. It is settled law that the applications seeking amendment in the plaint or written statement should be ordinarily allowed if the amendment is for effective and proper adjudication of the controversy between the parties to avoid multiplicity of proceedings, provided it does not result in injustice to the other side as reiterated by the Hon'ble Apex Court in its authority reported in **2022 SCC OnLine SC 1128** (*Life Insurance Corporation of India v. Sanjeev Builders Pvt. Ltd. & Anr*). It was held that liberal principles which guide the exercise of discretion in allowing amendment are that multiplicity of proceedings should be avoided, that amendments which do not totally alter the character of an action should be readily granted while care should be taken to see that injustice and prejudice of an irremediable character are not inflicted on the opposite party under pretence of amendment, that one distinct cause of action should not be substituted for another and that the subject matter of the suit should not be changed by amendment.

10. Here, the respondents/plaintiffs have produced the copy of the decree in OS No.11/2004 dated 26.07.2012 in which the petition schedule properties are shown as the suit properties. Further, the subject matter on the said properties attained finality with the Judgment of the Hon'ble High Court, Madras in SA No.526/2014 dated 08.11.2019 whereby the Hon'ble High Court, Madras has confirmed the Decree and Judgment in OS.11/2004. Therefore, the petitioners cannot be permitted to agitate the same properties in this original suit

which in respect of which , the title and right was already decided by the Hon'ble High court on 08.11.2019 itself. Further, the petitioners have filed IA.10/2023 to amend the plaint for including the petition schedule properties which was allowed by this court on 04.11.2023 against which Revision was filed by respondents/plaintiffs in CRP No.56/2024 before Hon'ble High Court, Madras which was allowed on 13.08.2024, thereby setting aside the orders passed by this Court in IA.10/2023.

11. Therefore, in the above circumstances, it is evident that the petitioners are attempting to dig over the properties which was already settled as per the Judgment of Hon'ble High Court, Madras, which cannot be allowed in the name of amendment to agitate the matter again in their written statement. Once a legal matter is finally adjudicated and no further appeals or reviews are possible, it cannot be re-agitated in subsequent proceedings.

12. One of the most abuse of process of the court is re-litigation. It is an abuse of process of the court and contrary to justice to re-litigate the same issue, which has already been tried and decided earlier against the defendants. If the same issue is sought to be re-agitated by frivolous and vexatious suits, it is not as if the Court is powerless to stop the proceedings when it is brought to its notice. O.S.11/2004 already decided in respect of the properties in this petition, hence, it is sheer abuse of process of the court re-agitating the same issue, which should not be allowed to continue. The amendment in Para No.8 as sought for also pertains to the properties connected under Sl.No.1 to 25 wherein the defendants

alleges that without the consent of 3rd defendant, the other defendants created those documents.

13. For the principle of res judicata to be applied in the subsequent proceeding, it must be between the same parties and the cause of action of the subsequent proceeding must be the same as in the previous proceeding. The Honb'ble Apex Court in the case of T.P. Moideen Koya v. State of Kerala ((2004) 8 SCC 106) has succinctly noted that the principle of res judicata is essential in giving a finality to judicial decisions by observing as under:

“The principle of res judicata applies also as between two stages in the same litigation to this extent that a court, whether the trial court or a higher court having at an earlier stage decided a matter in one way will not allow the parties to re-agitate the matter again at a subsequent stage of the same proceedings”

Thus, this Court considers that this application is pure abuse of process of law and the petitioners cannot be permitted to reagitate the matter which was already discussed and decided in OS.11/2004 confirmed and by Hon'ble High Court, Madras in SA No.526/2014 dated 08.11.2019 and also in CRP.56/2024 dated 13.08.2024.

14. Further, in the Original suit, the trial has already commenced. Hence, the petitioners must prove that amendment is sought to be brought after commencement of trial the Court must, in allowing the same come to a conclusion that in spite of best efforts on the part of the party to the suit, the same

could not have been brought before the point of time, when it was actually brought. Further, since the amendment is sought to be introduced post the commencement of trial, the same is not maintainable.

15. All amendments are to be allowed which are necessary for determining the real question in controversy provided it does not cause injustice or prejudice to the other side. However, as discussed above, the inclusion of the properties sought to be included is also barred by the attainment of the finality of the properties sought to be included as discussed above in OS No.11/2004 and in IA.No.10/2023 by way of CRP No.56/2024 before Hon'ble High Court, Madras which was allowed on 13.08.2024. Hence, this petition deserves to be dismissed.

In the result, this petition is dismissed. No costs.

Dictated by me to the Steno-Typist, taken down, transcribed and typed by him, corrected and pronounced by me in the open Court on this the 4th day of February, 2026

**I ADDITIONAL DISTRICT JUDGE
TIRUVALLUR**

Petitioner & respondent side
Witnesses and exhibits : Nil

**I ADDITIONAL DISTRICT JUDGE
TIRUVALLUR**

Draft Order in
I.A.19/2026 in OS.33/2014
DD : 04.02.2026
Prl. District Court, Tiruvallur

I.A.19/2026 in OS.33/2014

Date : 04/02/2026

**Order pronounced in the
Open Court.**

**In the result, this petition is
dismissed. No costs.**

**I Additional District Judge
Tiruvallur**