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CRP.No.1681 of 2023
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2026

CORAM

THE HONOURABLE Mr.JUSTICE K.KUMARESH BABU

CRP.No.1681 of 2023
and C.M.P.No.10963 of 2023

Mr.M.A.K.Balakrishnan (since died on 26.04.2023)

1. Mrs. Indirani
2. B.Arun
3. M.B.Krishnanand

... Petitioners

[Cause title accepted vide order of Court dated 10.05.2026 made in C.M.P.No.10884 of 2023 in C.M.P.Sr.No.65433 of 2023 by PBBJ]

Vs.

C. Ammini Ammal (Deceased)

P.Thangaraj (Died)

1. P.Chandran (Died)

P.Subramani (Died)

2. P.Sathiyamoorthy

3. Mrs. Vijayalakshmi

4. Mrs.Uma Shankari

5. P.T.Kumaran

6. P.T.Deepa

7. Mrs.Esther Rani

8. S.Navin Kumar

9. S.Soni

10. S.Sumithra

11. P.Udhaya Shankar

Mrs.Devaki (Deceased)

12. Mrs.Bhuvaneswari

13. The Chairman,

State Housing Board,



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Government of Tamil Nadu
Nandanam, Chennai – 35.

14. C.Ezhilmaran
15. Narmadha Thenmalar
16. C.Rupa Narayanaraju
17. C.Banu Prasad

...Respondents

[R14 to R17 are brought on record as LR's of the deceased R -1 viz., P.Chandran vide Court order dated 25.08.2025 made in CMP.Nos.19001, 19004, 19008 of 2025 and 10963 of 2023 in CRP.No.1681 of 2023 by PBBJ]

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decretal order dated 24.02.2023 made in I.A.No.4 of 2022 in O.S.No.4710 of 1996 on the file of the Hon'ble III Assistant City Civil Court, Chennai and to set aside the same.

For Petitioner : Mr.M.Murali
for Mr.N.Srinivasulu

For Respondents : RR1 and 3 [died]
Mr.K.Kanniappan
[RR2, 4 to 10 and RR14 to 17]

Mr.S.L.Venkatesan [R12]

Mr.V.Gunasekar [TNHB] [R13]

R11 – served [no appearance]



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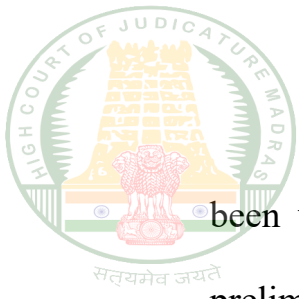
ORDER

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This Civil Revision Petition had been filed challenging the rejection of the interlocutory application, wherein an amendment to the schedule of the warrant issued to the Advocate Commissioner stood rejected.

2. Item 1 of the suit property, for which, the warrant was sought to be amended was shown as an house and ground in plot No.4832, 6th Main Road, Anna Nagar, Neduvankarai Village, Madras in the suit plaint and preliminary decree had also been passed on the very same description of the property and the same was the subject matter of appeal suit and second appeal and also on SLP, which all ended in confirming the preliminary decree passed.

3. The petitioner had also taken out an application to pass a final decree, in which an Advocate Commissioner was appointed and a warrant was also issued by the Court on the description of the property as shown in the preliminary decree. It is the case of the petitioner that the description of the property warrants a revisit and that on the strength of the warrant issued by the Court, the Advocate Commissioner would not be able to identify the property. When it is the case of the petitioner, who was the plaintiff, that the suit scheduled property shown as item No.1 had



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been wrongly described in the scheduled to the plaint, upon which a preliminary decree had been passed and a final decree application had also been filed, then it is incumbent upon him firstly to take out an application to amend the plaint, then an application to amend the preliminary decree and also the final decree application. The same can also be done simultaneously. However, without making an application to amend the plaint, preliminary decree and the final decree application, the petitioner had attempted only to amend the warrant that was issued and the same has also been allowed by the Court below, by just taking the relationship between the parties and in the interest of justice.

4. For the reasons stated above, an amendment of the schedule of property in the warrant issued to the Advocate Commissioner would stand contrary to the preliminary decree that had been passed. It is also brought to the notice of this Court that the petitioner had taken out an application to amend the suit scheduled property in the plaint as well as the preliminary decree. As noted above, the petitioner is also required to take out an application to amend his application for final decree.

5. For the aforesaid reasons, the revision stands allowed and the order passed in I.A.No.4 of 2022 in O.S.No.4710 of 1996 dated



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24.02.2023 stands set aside. The trial Court is directed to dispose of the application to amend the plaint schedule and the preliminary decree on its merits and decide the same in accordance with law.

6. The petitioner is also granted liberty to take out an application to amend the final decree application in conformity with the amendments that has been sought to be made in the plaint and in the preliminary decree. The amendments to the plaint, preliminary decree and the final decree application shall be disposed of within a period of 8 weeks from the date of receipt of a copy of this order. Further, taking into consideration that the suit had been filed as early as in the year 1996, almost 3 decades away, hence the final decree application shall also be disposed of within a period of four(4) months from the date of disposal of the amendment applications.

7. Accordingly, this Civil Revision Petition is allowed. No costs. Connected miscellaneous petition is closed.

22.04.2026

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K.KUMARESH BABU, J.

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To

1. The III Assistant City Civil Court, Chennai
2. V.R.Section, High Court, Madras.

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