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C.R.P. No. 2250 of 20_ .



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2026

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP No.2250 of 2024

Tmt.Yamuna

... Petitioner

Vs.

1.Mahalakshmi

2.Chitra

3.Bharathi @ Kuvsalya

4.Bhuvaragan

5.Saraswathi

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure Code against the fair and decreetal order dated 18.04.2024 in I.A.No.432 of 2022 in I.A.No.3221 of 2011 in O.S.No.229 of 2006 on the file of I Additional District Munsif Court, Pondicherry.

For Petitioner : Mr.V.Raghavachari
Senior Counsel
For Ms.V.Srimathi

For Respondents : Mr.A.Muthukumar

ORDER

Heard Mr.V.Raghavachari, learned Senior Counsel appearing for the



petitioner and Mr.A.Muthukumar, learned counsel for the respondents.

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2. The revision petitioner is the plaintiff who has obtained preliminary decree in her favour. Final Decree application was filed to get separate possession of the property declared in favour of the revision petitioner. Pending the final decree application, the petitioner realised that the schedule of the property was incorrectly described and it necessitated amendments. Accordingly, the petitioner moved an application to amend the plaint as well as the preliminary decree. The said applications have been allowed and as a consequence, the petitioner filed an application in I.A.No.432 of 2022 seeking amendment of the final decree application. The said final decree application has been dismissed on contest, holding that the property described in the document under which the petitioner/plaintiff claims, that too an unregistered sale deed, is entirely different from the schedule of property which is now sought to be executed in the final decree application. Mr.V.Raghavachari contends that the application was only a consequential one and the Court ought to have allowed the same.

3. Mr.A.Muthukumar, learned counsel for the respondents would firstly contend that the preliminary decree itself is by way of a non-

2/6



C.R.P. No. 2250 of 20_.

speaking judgment. He relied on the decision of this Court in the case of

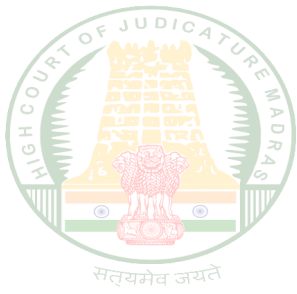
Ramachandran and Others vs Balakrishnan and Others reported in (2020)

7 MLJ 722, where, this Court has held that unreasoned judgments are nullity and can be revised under Article 227 of the Constitution of India. Learned counsel further states that the petitioner is entitled only to 1/8th share and not 1/4th share and therefore, the petitioner has already moved an application to have the preliminary decree set aside along with an application to condone the delay and that the said application is pending. Learned counsel would therefore state that the petitioner should not be permitted to amend the final decree application which would cause serious prejudice to the respondents.

4. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

5. The present application in I.A.No.432 of 2022 was filed only to amend the final decree application to bring it line with the amendments carried out in the plaint as well as the preliminary decree. The orders permitting amendment of the preliminary decree as well as the plaint have not been challenged and have become final.

3/6



WEB COPY

C.R.P. No. 2250 of 20_ .



6. In such view of the matter the petitioner was certainly entitled, as a matter of right, to seek amendment of the final decree application to bring it line with the preliminary decree in her favour. Therefore, the trial court ought not to have gone into the objections raised by the respondents that the petitioner claims under an unregistered sale deed or that the petitioner is not entitled to a 1/8th share, to dismiss the request for amendment itself.

7. It is needless to state that all these objections are always open to be taken by the respondents by filing a counter/additional counter, in the final decree application, post amendment of the final decree application.

8. Insofar as the contention regarding the preliminary decree being non-speaking, the law on this point is now well settled, subsequent to the decision of *Rrasappan vs D.Rajalakshmi* reported in **2025 (4) CTC 337**.

9. For the foregoing reasons, the order of the Trial Court has to be necessarily set aside.



C.R.P. No. 2250 of 20_.

WEB COPY

10. In view of the above, the order passed by the I Additional District Munsif, in I.A.No.432 of 2022 is set aside and the civil revision petition is allowed. No costs.

21.01.2026

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
sr

To

The I Additional District Munsif, Pondicherry



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C.R.P. No. 2250 of 20_ .

P.B.BALAJI.,J

sr

CRP No.2250 of 2024

21.01.2026