

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 2505 of 2025

AND

CMP NO. 14340 OF 2025

1. K.Jayaprakash

Petitioner(s)

Vs

1. G.Pechiyammal,

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decree passed in I.A.No.09/2022 in O.S.No.213 of 2019 on the file of the District Munsif Court, Pollachi and allow this Civil Revision Petition herein and thus render justice.

For Petitioner(s): Mr.S.Prabhu

For Respondent(s): Mr.V.S.Usharani

ORDER

The Civil Revision Petition has been filed, challenging the impugned order dated 16.08.2024 passed in I.A. No. 9 of 2022 in O.S. No. 213 of 2019 on the file of the District Munsif Court, Pollachi.

2. In the aforesaid order, the application filed by the respondent, seeking to amend the plaint under Order VI Rule 17 of CPC has been allowed. The



petitioner, who is the defendant in the suit, is aggrieved by the same and has filed this Revision Petition.

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3. The petitioner claims that by allowing the amendment application filed by the respondent, the character of the suit has been totally altered. According to the petitioner, the dispute pertains to a cart track. If the impugned order is sustained, the character of the suit will be totally altered.

4. According to the petitioner, in the affidavit filed by the respondent in support of I.A. No. 9 of 2022, the respondent has stated that, due to a typographical error in the plaint, there became a necessity for the respondent to file I.A. No. 9 of 2022, seeking for amendment of the plaint. However, the petitioner in the Civil Revision Petition disputes the contention of the respondent.

5. The learned counsel for the petitioner also submits that only at the time of trial, I.A. No. 9 of 2022 has been filed. He would also submit that the earlier interim injunction application filed by the petitioner also came to be dismissed.

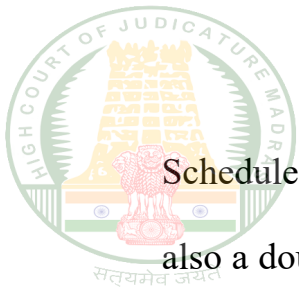


6. On the other hand, the learned counsel for the respondent would reiterate that there became a necessity for the respondent to file I.A. No. 9 of 2022 only to rectify the typographical error committed in the plaint filed in O.S. No. 213 of 2019. She would also submit that in the plaint averments, the correct description of the property was disclosed, but only in the suit B Schedule property, the description of the property was wrongly mentioned due to a typographical error. She would also submit that there is no infirmity in the impugned order and it has to be sustained by this Court.

7. The rights of the petitioner have not been defeated by the passing of the impugned order by the District Munsif Court, Pollachi, in I.A. No. 9 of 2022 in O.S. No. 213 of 2019. He still has got the right to dispute the contentions of the respondent as contended in I.A. No. 9 of 2022 in O.S. No. 213 of 2019 through an additional written statement, as well as through cross-examination of the respondent/plaintiff's witness.

8. The filing of the Civil Revision Petition before this Court has only delayed the disposal of the suit, O.S. No. 213 of 2019.

The petitioner before this Court contends that there was no typographical error committed by the respondent in the plaint. However, the respondent has contended that there is a typographical error in the description of the suit B



Schedule property. When there is no consensus between the two parties, there is also a doubt created in the mind of the Court as to who is correct, and therefore, the issue can be decided only after trial by permitting the amendment as sought for by the respondent through I.A. No. 9 of 2022.

9. The trial Court, under the impugned order, has therefore rightly allowed I.A. No. 9 of 2022 in O.S. No. 213 of 2019. This Court is not expressing its opinion with regard to the merits of their respective contentions in the Civil Revision Petition, as the interest of the petitioner in this Civil Revision Petition is still protected by the petitioner being granted the right to file an additional written statement, and also granted the right to cross-examine the respondent/plaintiff's witness during the trial.

10. Therefore, this Court is not interfering with the impugned order through this Civil Revision Petition. However, the trial Court will have to grant the petitioner, the right to file an additional written statement and also grant the right for the petitioner to cross-examine the respondent/plaintiff's witness with regard to the amendment carried out in the plaint pursuant to the impugned order dated 16.08.2024 passed by the trial Court in I.A. No. 9 of 2022 in O.S. No. 213 of 2019.



11. Accordingly, this civil revision petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

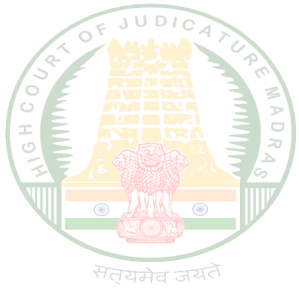
Internet: Yes

Neutral Citation: Yes/No

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To

The District Munsif Court, Pollachi.



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ABDUL QUDDHOSE J.

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