



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 5046 of 2025 and
CMP.No.25459 of 2025**

1. EVA Rosalin Santhakumari,
W/o. P.Sritharan, No. 9B/4, Ganga Flats, Nallan
Street, Pushpa Colony, Saligramam,
Chennai-600 093.
2. N.Vedhagiri
S/o. N.Chennakesavalu Chetty, No. 9B/7,
Ganga Flats, Nallan Street, Pushpa Colony,
Saligramam, Chennai-600 093.
3. Venkat
S/o. Karuppaiah, No. 4/9A, Kaveri Flats,
Nallan Street, Pushpa Colony, Saligramam,
Chennai-600 093.
4. V.Rangarajan
S/o. Venkata Narasimhan, Krish Apartments,
A Block First Floor, Old No. 68, New No. 36,
Gangaianman Koil Street, Virugambakkam,
Chennai-600 092.

..Petitioner(s)

Vs

1. Komala
W/o. Manavalan (Late), No. 11-B, Nallan
Street, Saligramam,
Chennai-600 093.
2. Rameshbabu
S/o. Manavalan (Late) No. 47/48, Avaiyar
Street, Sri Kamakshi Amman Nagar,
Alapakkam, Chennai-116.



..Respondent(s)

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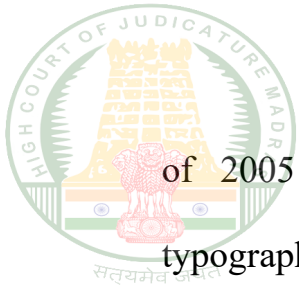
Civil Revision Petition filed under Article 226 of Constitution of India praying to set aside the order dated 02.09.2025 made in I.A No. 9 of 2025 in OS No. 8986 of 2021 on the file of V Asst. City Civil Court, Chennai and allow the I.A No. 9 of 2025.

For Petitioner(s):	Mr.M.Aravind Subramanian Senior Counsel for Mr.S.Naveen Kumar
For Respondent(s):	Mr. G.T.Subramanian for R1 & R2

ORDER

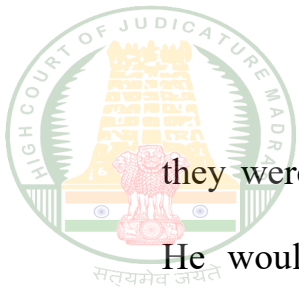
This Civil Revision Petition has been filed challenging the impugned order dated 02.09.2025 passed by the V Assistant City Civil Court, Chennai in I.A.No.9 of 2025 in O.S.No.8986 of 2021. In the impugned order, the application filed by the petitioners/plaintiffs seeking for amendment of the plaint, has been dismissed on the ground that no material has been produced by the petitioners/plaintiffs to substantiate their contentions that there are errors in the plaint on account of typographical mistakes. The Trial Court has also dismissed the application on the ground that the petitioners/plaintiffs has not pleaded that inspite of due diligence, they were unable to find out the mistake at the earliest point of time.

2. Learned Senior Counsel appearing for the petitioners drew the attention of this Court to the amendment application filed by the petitioners in I.A.No.9



of 2005 and would submit that the amendments sought for are only typographical mistakes committed in the plaint. He would also submit that a specific averment has been made in the affidavit filed in support of I.A.No.9 of 2025 that only due to the fact that typographical errors were committed in the plaint, there became a necessity for the petitioners/plaintiffs to file I.A.No.9 of 2025. He would also submit only after cross examination of the petitioners/plaintiffs' witness by the defendants counsel, the petitioners/plaintiffs' became aware that there are typographical errors found in the plaint filed in support of O.S.No.8986 of 2021. He also drew the attention of this Court to the impugned order and would submit that trial Court has erroneously rejected the petitioners' application.

3. On the other hand, learned counsel appearing for the respondents/defendants would submit that the amendments sought for by the petitioners/plaintiffs are not sought for to rectify typographical errors said to have been committed in the plaint. He would submit that if the amendments are allowed as prayed for, it will alter the character of the suit. He would also submit that the amendments have been sought for by the petitioner/plaintiffs only to fill up the lacuna in the plaint filed in support of O.S.No.8986 of 2021. Further, he would submit that the Trial Court has rightly rejected the petitioners application on the ground that the petitioners/plaintiffs have not pleaded in the affidavit filed in support of I.A.No.9 of 2025 that inspite of their due diligence,



they were unable to file the amendment petition at the earliest point of time.

He would further submit that having filed the application only after the defendants' counsel cross examined the petitioners' witness, the Trial Court had rightly rejected the petitioners/plaintiffs application seeking for amendment.

Discussion:

4. The petitioners/plaintiffs case before this Court as well as before the Court below is that they became aware of the typographical errors disclosed in the affidavit filed in support of I.A.No.9 of 2025 only after the defendants' counsel cross examined the petitioners/plaintiffs witnesses. Therefore, they have categorically pleaded that there is no delay on their part for filing the amendment application. This Court is not expressing any opinion as to whether the amendment sought for by the petitioners/plaintiffs is only to rectify the typographical error or not and it can be decided only after trial. The suit has been filed for declaration to declare the suit schedule property is a common area belonging exclusively to the petitioners/plaintiffs. When an averment has been made in the affidavit filed in support of I.A.No.9 of 2025 by the petitioners/plaintiffs that the amendment sought for is only to correct the typographical errors in the plaint, though the same is disputed by the defendants in the application, this Court is of the considered view that in the interest of justice, the application filed in I.A.No.9 of 2025 by the petitioners/plaintiffs ought to have entertained by the Trial Court. The



petitioners have also stated that they came to know about the errors only after the defendants counsel cross examined the plaintiffs' witness and immediately

thereafter they have filed I.A.No.9 of 2025 seeking for amendment. Though the learned counsel for the respondents/defendants vehemently opposes entertaining this Civil Revision Petition by this Court, this Court in the interest of justice to unearth the truth is entertaining the Civil Revision Petition for the reasons stated supra, is of the considered view that allowing the amendment application not prejudice the right of the respondents/defendants to defend the main suit on merits. If the amendment sought for by the petitioners/plaintiffs are not typographical errors as claimed by the respondents/defendants, the respondents/defendants will succeed in the suit when the main suit is disposed of by the Trial Court. On the other hand, if the amendments are found to be typographical errors and despite the same the petitioners/plaintiffs have not been allowed to amend the plaint, the petitioners/plaintiffs right to succeed in the suit will be defeated. The respondents/defendants right to defend the suit with regard to the amendments will also be protected by permitting the respondents/defendants to file additional written statement with regard to the amendments carried out in the plaint pursuant to the order passed by this Court in this Civil Revision Petition. This court will also have to direct Trial Court to frame additional issues subsequent to the filing of the additional written statement by the respondents/defendants and thereafter proceed with the trial. In order to protect the interest of all the parties to the suit, a direction will also



have to be issued to the Trial Court to dispose of the suit, within a time frame to be fixed by this Court.

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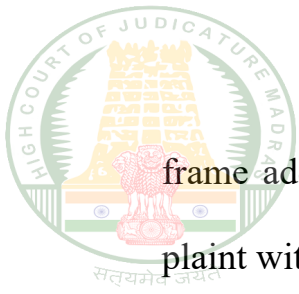
5. For the foregoing reasons, this Court is of the considered view that the Trial Court has erroneously not allowed I.A.No.9 of 2025, filed by the petitioners/plaintiffs seeking for amendment of the plaint for the reasons stated supra. Accordingly, the impugned order dated 02.09.2025 passed by the V Assistant City Civil Court , Chennai in I.A.No. 9 of 2025 in O.S.No.8986 of 2021 is hereby set aside by this Court and this Civil Revision Petition is allowed, by issuing the following directions to the V Assistant City Civil Court, Chennai.

(a) The petitioners/plaintiffs are allowed to carry out amendment of the plaint in terms of the prayer sought for by the petitioners/plaintiffs in I.A.No.9 of 2025.

(b) The petitioners/plaintiffs are directed to carry out the amendment within a period of **two weeks** from the date of receipt of a copy of this order.

(c) The respondents/defendants are permitted to file additional written statement pursuant to the amendment carried out in the plaint in terms of I.A.No.9 of 2025, within a period of **four weeks** from the date of filing of the amended copy of the plaint by the petitioners/plaintiffs.

(iv) The Trial Court viz., V Assistant City Civil Court, Chennai shall



frame additional issues subsequent to the amendment being carried out to the
plaint within a period of ***four weeks*** thereafter.

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(v) The Trial Court viz., V Assistant City Civil Court, Chennai is directed
to dispose of the suit in O.S.No. 8986 of 2021 after conducting trial, within a
period of ***six months*** thereafter.

No costs. Consequently, connected Miscellaneous Petition is closed.

07-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

V Assistant City Civil Court, Chennai.



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ABDUL QUDDHOSE, J.

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