

CRP(MD). No.354 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.354 of 2023

and

C.M.P(MD) No.1711 of 2026

R.Arumuganainar

... Petitioner

Vs

1.R.Rajalakshmi

2.R.Saravana Sankaranarayanan

3.R.Rajesh

4.P.Selvi

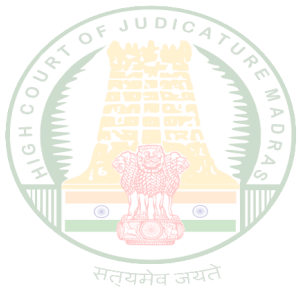
5.A.Poonthamil Selvi

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 15.12.2022 passed in I.A.No.6 of 2022 in O.S.No.89 of 2019 on the file of the 1st Additional District Munsif Court, Tirunelveli.

For Petitioner : Mr.M.P.Senthil

For R1 to R5 : Mr.A.S.Krishnan



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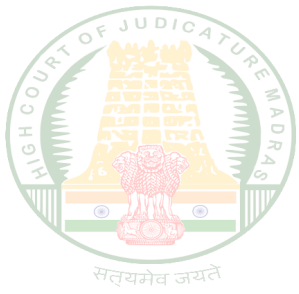
ORDER

WEB COPY This Civil Revision Petition has been filed challenging the order dated 15.12.2022 passed in I.A. No.6 of 2022 in O.S. No.89 of 2019 on the file of the I Additional District Munsif Court, Tirunelveli, whereby the learned Judge dismissed the application filed by the plaintiff seeking amendment of the plaint.

2. Originally, the suit was filed for declaration of title and consequential injunction. The present amendment application was filed seeking correction of the survey number from 1000/13 to 1000/14, along with two other consequential amendments in the plaint.

3. In the written statement filed by the respondent, it is stated that the District Revenue Officer, Tirunelveli District, by proceedings in G4.43373/2000, dated 23.05.2000, had passed an order with regard to Survey No.1000/13, pursuant to which patta was granted.

4. The trial Court dismissed the application on the ground that allowing such amendment would introduce a new cause of action and alter the nature of the suit.



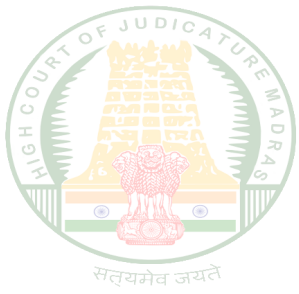
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5. The learned counsel for the revision petitioner submitted that the amendment application was filed prior to the commencement of trial and therefore, no prejudice would be caused to the respondent if the amendment is allowed. It was further submitted that even in the written statement, reference has been made to Survey No.1000/13 and therefore, the proposed amendment would not take the respondent by surprise.

6. The only contention raised by the respondents is that the revision petitioner has not produced any document to substantiate the claim with respect to Survey No.1000/14.

7. This Court is of the view that the amendment sought is only a correction of the survey number along with consequential changes regarding sub division and does not introduce a new cause of action nor fundamentally alter the nature of the suit. Since the application has been filed prior to the commencement of trial, a liberal approach ought to have been adopted.



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8. The question as to whether the petitioner is able to substantiate the claim with respect to Survey No.1000/14 is a matter for trial and that cannot be a ground to reject the amendment at this stage.

9. Accordingly, the order passed by the trial Court is set aside and the amendment application is allowed.

10. The trial Court shall permit the respondents to file additional written statement, if any, in response to the amended pleadings, within a time frame to be fixed by the trial Court.

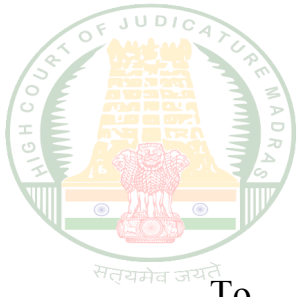
11. With the above directions, this Civil Revision Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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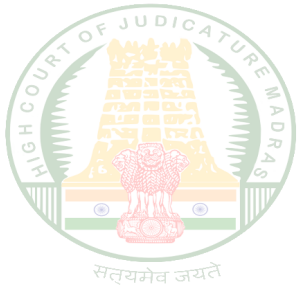
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To
The 1st Additional District Munsif Court,
Tirunelveli.

N.SENTHILKUMAR, J.

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