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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On: 05.11.2026	Delivered on: 11-11-2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

Civil Revision Petition No.4714 of 2025
& CMP.No.23829 of 2025

CNR:{HCMA012313262025}

Case QR

N.Ranganathan
S/o. N.Natarajan,
3/290, Pachaiappan Street,
Palavakkam, Chennai-41.

...Petitioner

Vs

D. Martin (Deceased)

1.K.Madhavan
S/o. V.Kanniah,
No.31, Clemens Road,
Vepery, Chennai-7.

2.The Inspector General of
Registration, Santhome,
Chennai-4.

3.The Sub Registrar
Adyar, Chennai-20.

...Respondents

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PETITION under Article 227 of The Constitution of India against the fair and decretal orders dated 12.9.2025 made in I.A. No.3 of 2025 in O.S.No.7434 of 2005 on the file of the Fourth Assistant Judge, City Civil Court, Chennai.

For Petitioner: Mr.P.Wilson Topaz for M/s.A.S.Kailasam Associates

For Respondents: Mr.V.G. Suresh Kumar of R1

Mrs.D.Chitra Maragadham, GA for R2 & R3

ORDER

This civil revision petition has been filed under Article 227 of The Constitution of India against the fair and decretal order dated 12.9.2025 made in I.A.No.3 of 2025 in O.S.No.7434 of 2005 on the file of the Fourth Assistant Judge, City Civil Court, Chennai (for short, the Court below) wherein the application filed by the first respondent/2nd plaintiff under Order VI Rule 17 of the Civil Procedure Code (CPC) seeking for amendment of the plaint, came to be allowed.

2. Heard the learned counsel appearing on behalf of the

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petitioner/D1, the learned counsel appearing for the first respondent/2nd plaintiff and the learned Government Advocate appearing for respondents 2 & 3.

3. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

4. One Mr.D.Martin – the original plaintiff filed the said suit seeking for the relief of declaration to declare the cancellation deed dated 22.8.1996 executed by the petitioner/D1 was null and void and not binding on him.

5. The cause of action given for filing the said suit was that a sale deed was executed in favour of the said Mr.D.Martin – the original plaintiff by both the petitioner/D1 as well as the first respondent/D2 on 22.1.1996; and that thereafter, it was cancelled unilaterally by the petitioner/D1 on 22.8.1996.

6. It has to be mentioned here that the first respondent/D2 in the said suit was the power of attorney (PoA) agent of the

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petitioner/D1 and he executed a sale deed in the name of the said Mr.D.Martin – original plaintiff on behalf of the petitioner/D1. The original plaintiff – the said Mr.D.Martin subsequently executed a settlement deed dated 30.10.2008 in favour of the first respondent/ D2.

7. Later, the first respondent/D2 filed W.P.No.12571 of 2010 questioning the unilateral cancellation of the sale deed and it was dismissed by a learned Single Judge of this Court vide order dated 24.9.2024. Aggrieved by that, he filed W.A.No.3584 of 2024 and it was disposed of by a Division Bench of this Court vide judgment dated 24.1.2025 in the following terms:

> *"6. Taking note of the fact that the suit in O.S.No.7434 of 2005 is still pending and that the civil court is competent to grant both declarations and consequential reliefs, this Court is of the view that the impugned order of the learned Single Judge is liable to be modified. Accordingly, the order of the learned Single Judge made in W.P.No.12571 of 2010 dated 24.09.2024 is set aside and modified as follows:*
>
> *i. The appellant is permitted to file another application to transpose himself as the plaintiff to prosecute the suit in O.S.No.7434 of 2005.*

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ii. The 3rd respondent or anyone claiming under him shall not resist such an application.

iii. The appellant shall be permitted to prosecute the suit in O.S.No.7434 of 2005 as the plaintiff until its logical end.

iv. The civil court is directed to dispose of the suit in O.S.No.7434 of 2005 within a period of six months from the date of receipt of a copy of this order.

v. It is open to both the appellant and the respondents to raise all their factual and legal contentions in the suit before the trial court. The trial court shall consider the same and pass orders uninfluenced by the observations."

8. Pursuant to the above judgment, the first respondent/D2 filed I.A.No.2 of 2025 seeking to transpose himself in the place of the original plaintiff – the said Mr.D.Martin, who died in the meantime.

9. It has to be mentioned here that the said suit came to be dismissed as abated on 24.11.2009 and it was restored only on 07.8.2025. Thereafter, the first respondent/D2 got himself transposed as the second plaintiff in the said suit.

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10. The first respondent/D2 filed I.A.No.3 of 2025 under Order VI Rule 17 of the CPC seeking amendment of the plaint in the following manner :

> *"(i) In paragraph 10 of the plaint, the following is to be added at the end of the second paragraph:*
>
> *The plaintiffs state that though the power of attorney in favour of the 2nd plaintiff dated 24.11.1995, registered as Document No.1969 of 1995 in the office of the 3rd defendant, empowered the 2nd plaintiff to deal with the entire property owned by the 1st defendant being the lands of an extent of 3 grounds and 1136 sq. ft., comprised in T.S.No.7, T.S.No.7/2 as per patta, Block No.14, Adyar village, bearing Door No.25/B, Ranjith Street, Kotturpuram, Chennai, the 2nd plaintiff, as required by the 1st defendant, had sold only a portion thereof, being the lands of an extent of 2072 sq. ft., comprised in T.S.No.7, T.S.No.7/2 as per patta, Block No.14, Adyar village, bearing Door No.25/B, Ranjith Street, Kotturpuram, Chennai to the 1st plaintiff, which extent was commensurate to the value of the sum due towards the borrowing effected, by the 1st defendant to the 1st plaintiff.*
>
> *(ii) In paragraph 13 of the plaint, the following is to be added at the end of the said paragraph:-*

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The first plaintiff had, only in January 2005, thus come to know about the unilateral cancellation of the deed of sale dated 22.1.1996, executed by me, as the power of attorney agent of the 1st defendant in favour of the deceased 1st plaintiff, registered as document number 287 of 1996 in the office of the 3rd defendant and immediately filed the present suit to declare the said unilateral cancellation as null and void.

The plaintiffs further state that the 3rd defendant ought not to have accepted the said deed of cancellation for registration and registered it to bear Document No.4298 of 1996, as it is against law. The 3rd defendant failed to see that a document cancelling a sale deed must be executed by both the parties to the deed of sale, which is sought to be cancelled and the deed of cancellation executed by the 1 defendant, the vendor alone, unilaterally cancelling the deed of sale, is not a valid document and cannot be registered, more so, when the unilateral cancellation was being effected without notice to the purchaser, the 1st plaintiff.

(iii). Paragraph 18 of the plaint is to be amended as follows, by substituting the existing paragraph 18, with the following:-

Even on 7.1.2003, the first plaintiff had, at the request of the 1st defendant, under the bona

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fide impression that the sale in his favour of a portion of the property of an extent of 2072 sq. ft. out of the total extent of 3 grounds and 1136 sq.ft., in lieu of the sums due to him by the 1st defendant, was subsisting and valid, executed and registered a receipt discharging the mortgage, which receipt was registered as Document No.23 of 2003 in the office of the 3rd defendant. This was done at the request of the 1st defendant, to enable him to deal with the remaining extent of the property. The 1st defendant had suppressed the unilateral cancellation executed by him and thus defrauded the 1st plaintiff.

(iv). After the existing paragraph 22, the following paragraph 22(a) is to be added to the plaint:-

The plaintiffs further state that the unilateral cancellation by the 1st defendant in and under the Deed of Cancellation dated 22.8.1996, registered as Document No. 4298/ 1996, of the sale deed dated 22.1.1996, executed by the 1 plaintiff, as the power of attorney agent of the 1st defendant in favour of the deceased 1st plaintiff, registered as Document number 287 of 1996 in the office of the 3rd defendant, is not valid and the same will not bind the plaintiffs. Such unilateral cancellation is wholly void and non est and does*

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not operate to execute, assign, limit or extinguish any right, title or interest in the property.

The remedy, if any open to the 1st defendant was only to have filed a suit to declare the sale deed dated 22.1.1996, registered as Document number 287 of 1996 in the office of the 3rd defendant as invalid, as provided under Section 31 of the Specific Relief Act. Such suit is also barred by time on date and hence the 1st defendant can in no way either challenge the sale deed or the title of the plaintiffs to the suit property.

The 1st plaintiff had, subsequently, in and by a deed of settlement dated 30.10.2008, registered as Document No.1944 of 2008 in the office of the Sub Registrar, Adyar, settled the suit property in favour of the 2nd plaintiff. The 2nd plaintiff has thus become the full and absolute owner of the property."

11. The Court below, by the impugned order dated 12.9.2025, allowed the said application and aggrieved by that, the above revision has been filed before this Court.

12. The main ground that was urged on the side of the

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petitioner/D1 is that the transposed plaintiff had filed a written statement in the said suit and supported the case of the original plaintiff; that however, after he was transposed as the 2nd plaintiff, he cannot be permitted to file an application for amendment of the pleadings since he was not the original plaintiff and he was only transposed as the 2nd plaintiff; and that therefore, he must prosecute the said suit only based on the pleadings made by the original plaintiff.

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13. In the case in hand, the transposed plaintiff was originally the second defendant in the said suit. He acted as the PoA agent of the petitioner/D1 and in that capacity, he had executed the sale deed in favour of the original plaintiff and later, the sale deed came to be cancelled by the petitioner/D1. As the second defendant in the said suit, the transposed plaintiff namely the 2nd plaintiff filed the written statement and in so far as he is concerned, that is the pleading, which formed the basis for the case projected by him.

14. The transposed plaintiff adorned a new role claiming ownership over the suit property by virtue of the settlement deed dated 30.10.2008, which was stated to have been executed by the original plaintiff during the pendency of the said suit. This Court allowed the 2nd defendant to be transposed as the 2nd plaintiff only after considering the peculiar facts of the present case and more particularly since the said Mr.D.Martin – the original plaintiff died.

15. The crucial question to be answered is as to whether the 2nd defendant, who had already pleaded by way of filing a written statement, can amend the plaint after being transposed as the 2nd

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plaintiff.

16. Order VI Rule 17 of the CPC would state that the Court can allow either party to alter or amend **his pleadings** in such manner and on such terms as may be just. Therefore, the language used under Order VI Rule 17 makes it clear that only the concerned party, who had pleaded by way of filing a plaint or a written statement, can carry out the amendment in such pleadings filed by them. An amendment cannot be permitted to be carried out by a defendant, in a plaint or by the plaintiff, in a written statement.

17. I had an occasion to deal with this issue in ***V.Senthilkumar Vs. Lakshmi [reported in 2026 (4) LW 368].*** Relying upon the earlier judgments, I have held that only the respective party to the pleadings can seek for amendment and that an opposite party cannot be allowed to amend the pleadings filed by the plaintiff.

18. In the case in hand, the transposed plaintiff has already filed a written statement and he has supported the case of the

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original plaintiff. After transposition, at the best, he can only try to sustain the stand taken in the plaint by the original plaintiff. If he is allowed to amend the plaint, it will virtually lead to the same person filing the plaint in his capacity as the transposed plaintiff and a written statement in his earlier capacity as the second defendant. If such amendments are allowed by a transposed plaintiff, it will lead to anomalous consequences.

19. The Court below failed to consider this crucial legal issue and has mechanically allowed the said application filed by the transposed plaintiff for amendment of the pleadings. In the considered view of this Court, the impugned order passed by the Court below suffers from perversity warranting the interference of this Court.

20. In the result, the above civil revision petition is allowed and the impugned order dated 12.9.2025 made in I.A.No.3 of 2025 in O.S.No.7434 of 2005 on the file of the Fourth Assistant Judge, City Civil Court, Chennai is set aside. There shall be a direction to the Fourth Assistant Judge, City Civil Court, Chennai to dispose of

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O.S.No.7434 of 2005 within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected CMP is closed.

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Neutral Citation: Yes

To
The Registrar,
City Civil Court, Chennai

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