



WEB COPY

CRP No. 1273 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CRP No.1273 of 2023

AND

CMP NO.8595 OF 2023

P. Govindhan
S/o. Parthasarathy,
No. 6, Kailasakula Street, Ulundurpet Town,
Ulundurpet, Villupuram (District) - 606 107.

..Petitioner(s)/Plaintiff

Vs

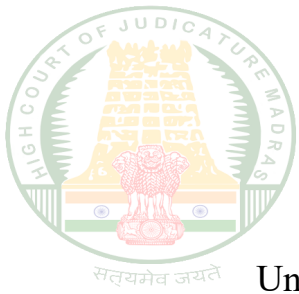
1. N. Seenuvasan
S/o. Narayanaswamy, No. 13/3, Easwaran
Kovil Street, Ulundurpet Town, Ulundurpet,
Villupuram (Dist) - 606 107.
2. E. Ranganathan
S/o. Ethiraju Naicker, No. 26, Malagu
Mariamman Kovil Street, Ulundurpet Town,
Ulundurpet, Villupuram (Dist) - 606 107.

..Respondent(s)/Defendants

Civil Revision Petition filed under Article 227 of the Constitution of India
to set aside the fair and decreetal order dated 24.01.2023 passed in I.A.No.1 of
2022 in O.S.No.53 of 2018 on the file of the Principal District Munsif Court,
Ulundurpet.

For Petitioner(s): Mrs.S.Sasikala

For R1: Mr.M.Muruganantham



ORDER

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Unsuccessful plaintiff in the suit has preferred the present civil revision petition challenging the fair and decreetal order dated 24.01.2023 passed in I.A.No.1 of 2022 in O.S.No.53 of 2018 on the file of the Principal District Munsif Court, Ulundurpet.

2. For the sake of convenience, the parties will be referred to as per their rankings in the trial Court.

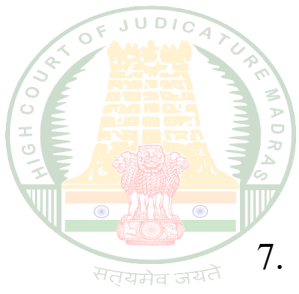
3. Originally the plaintiff has filed the suit in O.S.No.53 of 2018 seeking declaration, title and permanent injunction over the suit schedule property. The defendant have filed their written statement, necessary issues were framed and the case was posted for trial. While so, the plaintiff filed I.A.No.1 of 2022 in O.S.No.53 of 2018 seeking amendment in the pleadings and in the prayer. Upon hearing either side, the Court below dismissed the aforesaid application on the ground that the application has been filed belatedly after a lapse of eight years. The reason assigned in the affidavit are also not acceptable and there is no necessity to amend the plaint.

4. Aggrieved over the same, the present revision petition has been filed.



5. The learned counsel appearing for the petitioner/plaintiff would submit that the first defendant has filed a suit in O.S.No.226 of 2014 on the file of the Principal District Munsif Court, Ulundurpet, against the second defendant for recovery of money based on a promissory note. The defendants have collusively filed the suit and claimed title over the suit schedule property of the present suit in O.S.No.53 of 2018. Further, would submit that the suit in O.S.No.226 of 2014 was decreed on 17.04.2015 and the decree passed in that suit shall not bind on the plaintiff and therefore, it is necessary to amend the pleadings and consequential prayer for seeking declaration that the judgment and decree dated 17.04.2015 passed in O.S.No.226 of 2014 is null and void and not binding on the plaintiff.

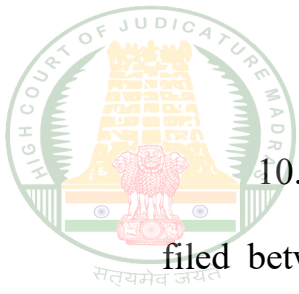
6. *Per contra*, the learned counsel appearing for the first respondent/first defendant would submit that there is no necessity to amend the plaint, since the plaintiff himself pleaded in his plaint in paragraph no.2 about the suit filed between the defendants in O.S.No.226 of 2014. He would further submit that the suit came to be decreed on 17.04.2015 and after a lapse of more than seven years, the present application viz. I.A.No.1 of 2022 came to be filed and the very petition is barred by limitation. When the plaintiff came to knowledge of the decree dated 17.04.2015 passed in O.S.No.226 of 2014, he should have filed the application within three years, whereas, the plaintiff has filed the application after a lapse of more than three years, which is unsustainable in law.



7. This Court considered the submissions made on either side and perused the records.

8. It is seen from the records that the second respondent died on 02.10.2023 and the present petition came to be filed on 09.03.2023. Sufficient time has been granted, but, no steps have been taken on the side of the plaintiff. Hence, the claim against the second respondent is abated. It is also seen from the records that the petitioner/plaintiff has pleaded in his plaint about the suit in O.S.No.226 of 2014 filed by the first defendant against the second defendant with regard to the recovery of money based on the promissory note and in pursuance of the decree passed in O.S.No.226 of 2014, the defendants claim right over the suit schedule mentioned property.

9. It is seen from the typed set of papers that the suit in O.S.No.226 of 2014 came to be decreed on 17.04.2015 itself, whereas, the plaintiff filed the suit for declaration in the year 2018. The defendants have also filed their written statement, necessary issues were framed and the suit was also posted for trial. At this stage, the plaintiff preferred an application in I.A.No.0 of 2022 under Order 6 Rule 17 CPC to amend the pleadings as well as the prayer seeking the relief of declaration that the judgment and decree dated 17.04.2015 passed in O.S.No.226 of 2014 and the order passed in I.A.No.1358 of 2014 as null and void.



10. It is relevant to note that the suit in O.S.No.226 of 2014 has been filed between the defendants in respect of recovery of money based on the promissory note. When the plaintiff is not party to the suit proceedings in O.S.No.226 of 2014, certainly, the judgment and decree passed therein will not bind on the plaintiff. It is only a judgment in personam, resolves a specific dispute and binds the specific parties involved. It is also relevant to note that after a lapse of seven years, an application came to be filed to amend the plaint, that too, no way connected with the present suit. In such view of the matter, there is no infirmity in the impugned order passed by the Court below and this revision petition is liable to be dismissed as devoid of merits.

In the result, the civil revision petition is dismissed. Taking note of the fact that the suit is of the year 2018, the learned Principal District Munsif, Ulundurpet, is requested to dispose of the suit as expeditiously as possible. No costs. Connected C.M.P. is closed.

17-07-2026

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

nsd

To

The Principal District Munsif, Ulundurpet.



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M.JOTHIRAMAN J.

nsd

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