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CRP No. 1985 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 1985 of 2026 and
CMP.No.8876 of 2026**

1. Krishnaveni
W/o. Late. Perumal,
2. Rajesh
S/o. Late. Perumal,
3. Menaka
D/o. Late. Perumal,

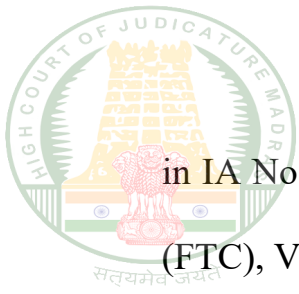
..Petitioner(s)

Vs

1. Padmavathi
W/o. late. Mani @ Bagavathi,
2. Kalaivani
D/o. late. Mani @ Bagavathi,
3. Prema
W/o. Moorthy,
4. Rani
W/o. Moorthy,
5. Saraswathi
W/o. Lingeswaran,

..Respondent(s)

Civil Revision Petition filed under Article 227 of Constitution of
India praying to set aside the Order and Decreetal Order dated 22.08.2025 made



in IA No.7/2025 in O.S No.39/2015 on the file of the Additional District Judge (FTC), Vellore, Vellore District.

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For Petitioner(s):	Ms.D.Kamatchi
For Respondent(s):	Mr.Ramesh Venkatachalapathy
	For R5

ORDER

This Civil Revision Petition has been filed challenging the impugned order dated 22.08.2025 passed by the Additional District Court (FTC), Vellore, Vellore District in I.A.No.7 of 2025 in O.S.No.39 of 2015.

2. In the aforesaid order, the application filed by the petitioners who are the plaintiffs in the suit seeking for amendment of the suit prayer to include the relief of declaration to declare the sale deed dated 22.06.2000 as null and void, has been dismissed.

3. Learned counsel for the petitioners would submit that erroneously the Trial Court has dismissed the application on the ground that the application filed by the petitioners is barred by limitation as per Article 59 of the Limitation Act 1963. She would submit that Article 59 of the Limitation Act, 1963 will not apply to the case of the petitioners, since as per Section 31 of the Specific Relief Act, 1963, the document which is sought to be declared as null and void is non est in law. Hence Article 59 does not get attracted. The learned counsel for the



petitioners drew the attention of this Court to the following authorities in support of her contention that the application filed by the petitioners seeking for amendment of the suit prayer even though filed belatedly is still maintainable and is not barred by limitation.

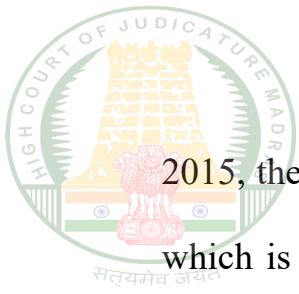
- a) *Unni and Anr. Vs. Kunchi Amma and Ors.* reported in *1891 ILR 14MAD26*.
b) *Prem Singh & Ors. Vs. Birbal & Ors.* reported in *2006 (4) Supreme 69*.

4. On the other hand, the learned counsel for the respondents would place reliance on the authorities which were also relied upon by the Trial Court for dismissing the application filed by the petitioners on the ground of limitation.

Discussion:

5. The following are the undisputed facts:

- a) The sale deed dated 22.06.2000 which is sought to be declared as null and void by the petitioners through the amendment application is a registered document.
- b) The said sale deed was executed by grand father of the petitioners.
- c) The petitioner has not challenged the sale deed dated 22.06.2000 through a Court of law.
- d) The suit was filed by the petitioners in the year of 2016.
- e) In the written statement filed by the respondents in the suit O.S.No.39 of



2015, the defendants have traced their title from the sale deed dated 22.06.2000 which is sought to be declared as null and void by the petitioners through the amendment application.

f) The petitioners filed an amendment application through I.A.No.7 of 2025 after lapse of more than 9 years from the date of filing of the suit.

6. Learned counsel for the petitioners had submitted before this Court that Article 59 of the Limitation Act does to apply to the case of the petitioners, since according to the petitioners, the sale deed dated 22.06.2000 is non est in the eye of law. She contended that since it is non est in the eye of law as per Section 31 of the Specific Relief Act, Article 59 of the Limitation Act will not get attracted. In the impugned order, the trial Court has relied upon two authorities which have also been placed on record by the learned counsel for the respondents for dismissing the application filed by the petitioners. In both the decisions, it has been made clear that a party who is seeking amendment must be diligent in filing amendment applications, if the need arises.

7. Article 58 and Article 59 of the Limitation Act, 1963 are relevant for considering this Civil Revision Petition. Article 58 of the Limitation Act makes it clear that to obtain any declaratory relief, the limitation period is three years when the right to sue first accrues. Similarly under Article 59 of the Limitation Act, to cancel or set aside an instrument or decree or for a rescission of a



contract, the limitation period is three years, when the facts entitling the plaintiff to have the instrument or decree cancelled or set aside or the contract rescinded first becomes known to him. In the case on hand, a specific plea was taken by the respondents/defendants in the suit filed by the petitioners through their written statement that they trace their title from the alleged disputed document viz., the sale deed dated 22.06.2000. The said written statement was filed in the year 2016 itself. Section 31 of the Specific Relief Act also does not provide for any exception to the applicability of Article 59 of the Limitation Act, 1963. Section 31 of the Specific Relief Act was relied upon by the learned counsel for the petitioners and this Court is of the considered view placing reliance on the said Section has no bearing for deciding an application for amendment seeking for amending the prayer, which includes the relief of declaration to declare a document as null and void.

8. The Trial Court has taken into consideration the legal and factual issues and has rightly come to the conclusion that the application filed by the petitioners seeking for amendment at the fag end of trial is barred by limitation as it is hit by Article 59 of the Limitation Act, 1963. This Court does not find any infirmity in the reasons given by the Trial Court for dismissing the application filed by the petitioners. The decisions relied upon by the learned counsel for the petitioners has no bearing to the facts of the instant case, since in the instant case, it cannot be prima facie established that the disputed document



is non est in the eye of law, whereas in the decisions relied upon by the learned counsel for the petitioners, on a prima facie consideration ,those documents were found to be non est in the eye of law, but whereas in the case on hand, it is no so.

9. For the foregoing reasons, this Court does not find any merit in this Civil Revision Petition and accordingly this Civil Revision Petition is dismissed. However, the Trial Court is directed to dispose of the suit uninfluenced by any of the observations made by this Court in this order. Since the suit is of the year 2015, the Trial Court is directed to dispose of the suit, within a period of *six months* from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

06-07-2026

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

The Additional District Judge (FTC), Vellore,
Vellore District.



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ABDUL QUDDHOSE, J.

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