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C.R.P.No.3185 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.R.P.No.3185 of 2022
and C.M.P.No.16966 of 2022,
12428, 12429 & 12432 of 2024

1. Annavu
2. Azhagesan ... Petitioners

Vs.

1. Elangovan
2. Paranthaman
3. Pandithurai
4. Kamarajan ... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 25.07.2022 in I.A.No.371 of 2022 in O.S.No.91 of 2013 on the file of the Principal District Munsif Court, Tiruvannamalai.

For Petitioners : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.V.Prabhu R2 to R4



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ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India, challenging the order dated 25.07.2022 passed by the learned Principal District Munsif, Tiruvannamalai, in I.A.No.371 of 2022 in O.S.No.91 of 2013, wherein the Court below dismissed the application filed by the petitioners under Order VI Rule 17 of the Code of Civil Procedure seeking to amend the plaint.

2. This Court heard the learned counsel appearing on either side, carefully perused the materials placed before this Court and went through the order passed by the Court below.

3. The petitioners are the plaintiffs in the suit in O.S.No.91 of 2013. Initially, the suit was filed seeking for the relief of bare injunction. When the suit was at the stage of trial, an application came to be filed under Order VI Rule 17 of the Code of Civil Procedure seeking to amend the relief by including the relief of declaration of title over the property. This application was dismissed by the Court below. Aggrieved by the same, the present civil revision petition has been filed before this Court.



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4. The Court below has dismissed the application mainly on the ground that the relief sought by the petitioners through amendment is clearly barred by limitation. To substantiate the said finding, the Court below also relied on the judgments of the Hon'ble Apex Court and this Court.

5. Learned counsel for the petitioner submitted that if the amendment is allowed, it will date back to the date of filing of the suit and therefore, the relief sought for will not be barred by limitation.

6. It is now too well settled that the Court can decline to allow the amendment if the amended claim is barred by limitation on the date on which the amendment petition was filed.

7. It will be relevant to take note of the judgment of the Hon'ble Apex Court in *L.C.Hanumanthappa vs. H.B.Shivakumar* reported in (2016) 1 SCC 332. The Court below has relied upon other judgments which cover the same issue.

8. In the light of the above discussion, the order passed by the Court below does not suffer from any perversity warranting the interference

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of this Court in exercise of its jurisdiction under Article 227 of the
Constitution of India.

9. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

13.08.2026

Neutral Citation: Yes/No
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To

The Principal District Munsif,
Principal District Munsif Court,
Tiruvannamalai.



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N. ANAND VENKATESH, J.

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