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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**CRP No. 5435 of 2025
and CMP No. 27320 of 2025**

Nirmaladevi

Petitioner(s)

Vs

1. Visalatchi
2. Thiagarajan
3. Siddarath Sankar
4. Midun Sankar

Respondent(s)

PRAYER Civil Revision Petition filed under Article 227 of the Constitution of India, to Set aside the Fair and Final order dated 13.02.2025 passed in I.A. No. 3 of 2024 in OS No. 103 of 2021 on the file of District Munsif Court, Kangayam, Tiruppur District.

For Petitioner(s): Mr.P.Navaneetha Krishnan

For Respondent(s): Mr.N.Manoharan

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order dated 13.02.2025 passed in I.A. No. 3 of 2024 in OS No. 103 of 2021 on the file of District



Munsif Court, Kangayam, Tiruppur District, wherein the application filed by the petitioner/plaintiff under Order VI Rule 17 of CPC., to amend the pleadings was dismissed by the Court below.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3. The petitioner filed a suit in O.S.No.103 of 2021 seeking for the relief of permanent injunction. During the pendency of the suit, the petitioner filed IA No.3 of 2024 under Order VI Rule 17 of CPC., to amend the pleadings and also to seek the relief of mandatory injunction. The Court below dismissed the said application and aggrieved by the same, the present Civil Revision Petition has been filed before this Court.

4. It is the admitted case of the petitioner that the encroachment happened on 29.07.2021 and the application for amendment came to be filed on 14.08.2024, which is beyond the period of three years. It is now too well settled that when the Court deals with an application for amendment, if the relief sought for by way of amendment is barred by limitation, such amendment can never be allowed. This is in view of the fact that an amendment, if allowed, will relate back to the original date of filing of the suit.



5.The learned counsel for the petitioner relied upon the judgment of this Court in *A.Gowri vs. R.Mani and others* reported in **CDJ 2024 MHC 1646**.

This judgment is not relevant to the facts of the present case, since even in that judgment, at Paragraph No.7, this Court has held that the amendment sought for should be considered, subject to the question of limitation. This is exactly what the Court below has done while dealing with the application filed by the petitioner.

6.In the light of the above discussion, the reason assigned by the Court below while dismissing the application is perfectly in accordance with law and it does not suffer from any perversity warranting interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India.

7.In the result, this Civil Revision Petition stands dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

20-08-2026

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



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N.ANAND VENKATESH J.

SSR

To

The District Munsif Court, Kangayam, Tiruppur District.

CRP No. 5435 of 2025

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