

C.R.P(MD)No.2002 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.2002 of 2026

and

C.M.P(MD)No.9549 of 2026

Alexandar

.. Petitioner

Vs.

- 1.Raja Bai
- 2.Eliyas
- 3.Richard Kingsly Kumar
- 4.Praisly Gift
- 5.Sahayadhas

6.The District Collector,
Kanyakumari District at Nagercoil,
Kanyakumari District.

7.The Sub Registrar,
Sub Registrar Office,
Verkizhambi, Mocode Village,
Kalkulam Taluk,
Kanyakumari District.

8.The Executive Officer,
Verkizhambi Town Panchayat
Kallankuzhi Post, Kumarakudi Village,
Kalkuklam Taluk, Kanyakumari District.

.. Respondents

PRAYER: civil revision petition filed under article 227 of the Constitution of India to set aside the fair and decretal order dated 30.06.2026 passed in I.A.No.6 of 2025 in O.S.No.64 of 2016 on the file of the Additional District and Sessions Court, Padmanabhapuram.



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For Petitioner : Mr.V.George Raja

For Respondents : Mr.L.Siva
Govt. Advocate (civil) for RR6 to 8

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court allowing the application filed by the respondents 1 and 2/plaintiffs seeking amendment of the plaint.

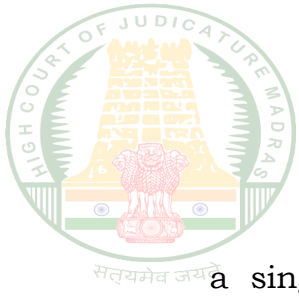
2.The respondents 1 and 2/plaintiffs filed the suit seeking declaration that the sale deeds dated 24.08.2015, 22.12.2015, 21.12.2015, 12.02.2016 and 12.02.2016 are null and void and for a consequential permanent injunction restraining the defendants from interfering with their peaceful possession and enjoyment of the suit property. Subsequently, by way of an amendment, the plaintiffs included a prayer for declaration of title. Thereafter, the present application was filed by the plaintiffs seeking a further amendment to include a prayer for recovery of possession on the ground that the defendants had trespassed into the suit property in the year 2016. The said amendment application was allowed by the trial Court. Aggrieved by the same, the petitioner/third defendant has filed the present Civil Revision Petition.



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3.The learned counsel appearing for the petitioner would vehemently contend that, though the plaintiffs had stated in the affidavit filed in support of the amendment application that the alleged trespass took place in the year 2016, they had earlier amended the plaint only by including a prayer for declaration of title without seeking the relief of recovery of possession. In such circumstances, the present amendment application filed by the plaintiffs after a delay of nearly ten years is not maintainable in law.

4.It is settled law that, for recovery of possession based on title, the period of limitation is twelve years from the date on which the possession of the defendant becomes adverse to the plaintiff, as provided under Article 65 of the Limitation Act. In the case on hand, according to respondents 1 and 2/plaintiffs, the alleged trespass took place during the pendency of the suit in the year 2016. The present amendment application has been filed in the year 2025, well within the period of twelve years. Therefore, if the plaintiffs were to institute a separate suit for recovery of possession based on title, the same would be maintainable and within the period of limitation. When such an independent suit is maintainable, it is always appropriate to permit the amendment and adjudicate all the disputes between the parties in



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a single proceeding. Allowing the present amendment would also prevent multiplicity of proceedings. Therefore, I do not find any error in the order passed by the trial Court.

5. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

24.07.2026

Index :Yes
Internet :Yes
NCC :Yes
skn
To

1. The Additional District and Sessions Court,
Padmanabhapuram.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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