

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) NO.4391 OF 2015
AND MP NO.1 OF 2015

S.M.Palanisamy

... Petitioner

Versus

S.Sadheesh Kumar

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 09.09.2015 made in I.A.No.643 of 2014 in O.S.No.241 of 2011 on the file of Principal District Munsif, Tiruchengodu.

For Petitioner : Mr.M.V.Venkataseshan
For Respondent : Mr.P.Valliappan

ORDER

The plaintiff in O.S.No.241 of 2011, who filed the application in I.A.No.643 of 2014, before the learned Principal District

Munsif, Tiruchengodu, is the petitioner in this Civil Revision Petition.

2. The petitioner filed the application to amend the plaint for the purpose of taking up a plea of declaration on the strength of title.

3. The application was opposed by the respondent by filing counter wherein it was indicated that similar application filed earlier was dismissed by the Trial Court and the said order has become final.

4. The learned Trial Judge considered the application and dismissed it on the ground that the relief of declaration and permanent injunction is barred by limitation. The learned Trial Judge found that the application filed earlier was not persuaded by the petitioner. The Trial Court found that the petitioner had knowledge with respect to the settlement, in as much as it was found mentioned in the written statement. Even then, the petitioner failed to initiate action for amending the plaint within the period of limitation.

5. The learned Trial Judge has given sufficient reasons justifying the order in I.A.No.643 of 2014. I do not find any error or illegality in the order passed by the learned Trial Judge warranting exercise of supervisory jurisdiction under Article 227 of the Constitution

of India.

6. In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

16.11.2016

TK

To

The Principal District Munsif
Tiruchengodu.

K.K.SASIDHARAN, J.

TK

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