



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P (MD) No.1031 of 2016 (PD)

and

C.M.P. (MD) .No.5160 of 2016

S.Duraisamy

.. Petitioner/Petitioner/Plaintiff

Vs.

1.K.Mariappan
2.S.Chinnasamy
3.C.Nagarathinam
4.Davamani Devi
5.Duraisamy
6.B.Murugesan
7.Sellitharajan
8.V.Ragupathi
9.N.Muthusamy
10.Gunasekaran (Died)
11.Murugeswari
12.Pushpa
13.Udayasurian
14.Priya
15.Packialakshmi
16.C.Thangam
17.Sarojini
18.Thilagam

.. Respondents/Respondents/Defendants

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the judgment and decree, dated 02.04.2016, in I.A.No.127 of 2016 in O.S.No.239 of 2007 on the file of the District Munsif Court, Palani.

For Petitioner : Mr.D.Venkatesh

ORDER

The petitioner who is the plaintiff in O.S.No.239 of 2007 on the file of the learned District Munsif, Palani has preferred the present revision petition, aggrieved over the order passed in I.A.No.127 of 2019 in O.S.No.239 of 2007.

<https://hcservices.ecourts.gov.in/hcservices/>
20.06.2016 Mr.D.Venkatesh, learned counsel for the petitioner and perused the records.



3. The petitioner instituted the suit against the respondents seeking declaration of title and permanent injunction. The defendants filed their written statement in the year 2007 and a report of the Advocate Commissioner was filed on 17.06.2008, stating that there are existing buildings in the suit property. Despite the same, the petitioner has not taken any steps to include the prayer for mandatory injunction. He chose to file an application on 16.03.2016. The Trial Court dismissed the application holding that the prayer is barred by limitation, relying upon the judgment reported in **2015 (1) TNCJ (61) (MAD) (MB)**.

4. In view of the above undisputed facts, I do not find any irregularity or illegality in the order impugned. In the result, this Civil Revision Petition is dismissed. No Costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

PJL
To
The District Munsif, Palani.

+1CC to Mr.D.Venkatesh, Advocate Sr.No.28185

GJM/SKS/RR/13.6.16-2p-3c

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