



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.1967 of 2018 and
C.M.P.(MD)No.8669 of 2018

V.Muthusamy ... Petitioner/Petitioner/Plaintiff -1

Vs.

1. Pappa
2. Kamatchi
3. Alagarsamy ... Respondents 1 to 3/Petitioners 2 to 4/
Plaintiffs 2 to 4
4. B.Gubendran ... 4th Respondent/1st Respondent/Defendant

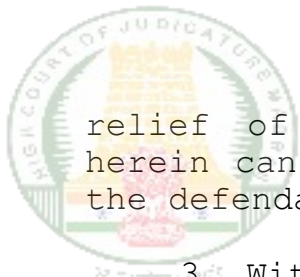
PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and set aside the dismissal order passed in I.A.No.328 of 2018 in O.S. No.478 of 2012, dated 04.06.2018 on the file of the Additional District Munsif Court, Dindigul, by allowing this Civil Revision petition.

For Petitioner : Mr.D.Selvaraj
For R-4 : Mr.R.Narayanan

O R D E R

The first plaintiff in O.S.No.478 of 2012 on the file of the Additional District Munsif, Dindigul, is the Revision petitioner herein. The suit was filed for the relief of permanent injunction. In the said suit, written statement was filed denying the title of the plaintiff. The written statement was filed on 29.06.2013. The plaintiffs if at all they wanted to amend the plaint by incorporating the relief of declaration, ought to have done so under Order 6 Rule 17 of C.P.C within three years from the said date. In this case, the plaintiffs filed such amendment application only in the year 2018. By then, the suit has progressed to the stage of arguments. Therefore, the Court below taking note of not only the aspect of limitation but also the huge delay in filing the application, dismissed the said Interlocutory application.

2. Therefore, the order passed by the Court below does not warrant any interference. That apart, the Revision petitioner will not suffer from any prejudice. This is because, the defendant has filed O.S.No.410 of 2013 before the very same Court seeking the



relief of declaration and injunction. The Revision petitioner herein can very well raise his defences in the other suit filed by the defendant herein.

3. With these observations, the Civil Revision petition stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Additional District Munsif,
Dindigul.

COPY TO

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court,
Madurai. 2 COPIES

- 1 CC TO Mr.D.SELVARAJ , ADVOCATE IN SR No.88676.
-
- PMU
- DS RP SAR4 13 12 2018 2P 5C

C.R.P. (MD) .No.1967 of 2018 and
C.M.P. (MD) No.8669 of 2018
03.10.2018