

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2020

**CORAM:
THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN**

C.R.P.(PD) No.3510 of 2015

S.Murugan

... Petitioner

vs.

1. S.Rajamohan
2. Dhanalakshmi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India seeking to set aside the order **dated 13.04.2015** made in **I.A.No.1801 of 2014 in O.S.No.163 of 2010** on the file of the **Principal District Munsif Court, Salem.**

For Petitioner : Mr.K.Rajasekaran

For Respondents : Mr.P.Tamilavel

ORDER

This Civil Revision Petition is filed seeking to set aside the order **dated 13.04.2015 made in I.A.No.1801 of 2014 in O.S.No.163 of 2010** on the file of the **Principal District Munsif Court, Salem**, and consequently allow the same.

2. The Suit has been filed on 15.02.2010 for permanent injunction, prohibiting the Respondents herein from making further construction in the suit property of the Plaintiff. Written Statement has been filed in August 2010. Knowing well that, without seeking declaration, injunction may not be granted,

the Petitioner has filed a Petition on 12.11.2014 seeking amendment of prayer of the Suit, from one of injunction to that of declaration. The Petitioner ought to have a filed a Suit for declaration and the prescribed time limit for the same is three years. Seeking amendment of the prayer after a lapse of four years will change the character of the Suit. The Trial Court has rightly rejected the Application seeking amendment of the prayer in the Suit on the ground that, it is barred by limitation.

3. Hence, I find no perversity in the order passed by the Trial Court in rejecting the relief in the Application on the ground of *laches*, as the character of the Suit will be changed. Had the relief sought by the Petitioner been granted, it would have given a premium to the Petitioner to approach the Court belatedly, beyond the period of limitation.

The Civil Revision Petition stands dismissed with the above direction. No costs. Consequently, connected M.P.No.1 of 2015 is closed.

सत्यमेव जयते

06.03.2020

Index : Yes/No
Speaking Order : Yes/No

(aeb)

To:

The Principal District Munsif Court, Salem.

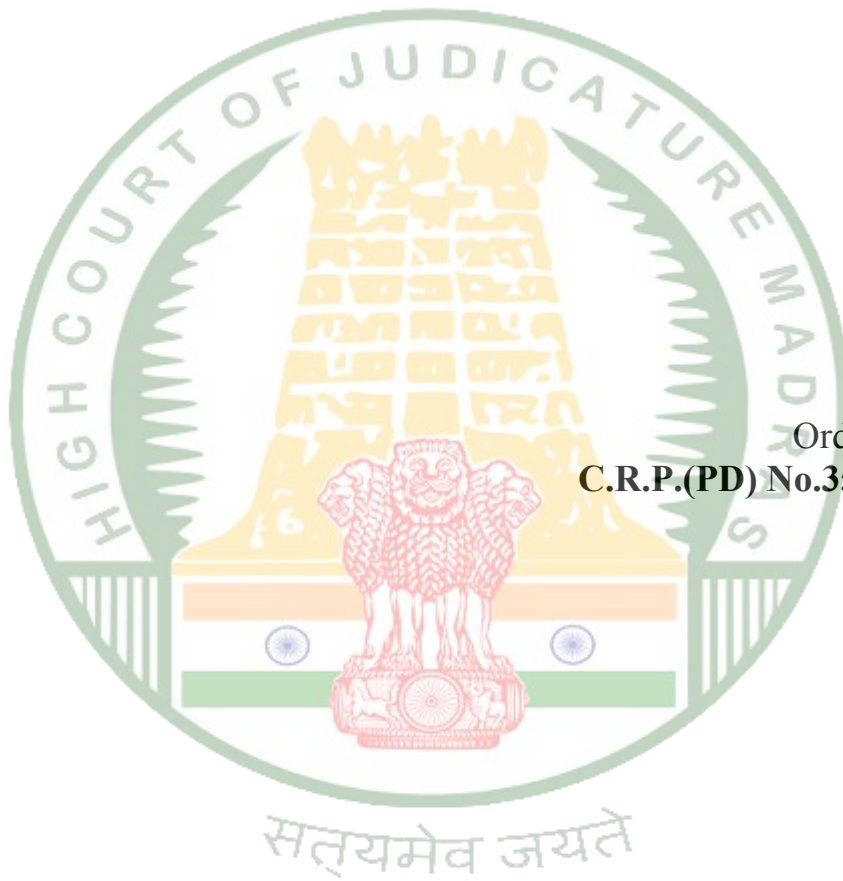


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S.VAIDYANATHAN,J.

(aeb)



Order in
C.R.P.(PD) No.3510 of 2015

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