



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2020

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P. (PD) (MD) .No.135 of 2020
and
C.M.P. (MD) .No.766 of 2020

Ramasamy ... Petitioner / Petitioner / Plaintiff
Vs.

Ammakannu (Died)

1.Balayee
2.Thangavel
3.Tamilarasi
4.Ramani
5.Akila
6.Gandhimathi

... Respondents / Respondents / Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 06.09.2019 made in I.A.No.389 of 2019 in O.S.No.19 of 2012 on the file of the District Munsif Court, Keeranur and set aside the same.

For Petitioner : Mr.N.Anandakumar

O R D E R

The Civil Revision Petition has been filed as against the order of the trial Court in dismissing the application to amend the prayer seeking declaration or in alternative for recovery of possession.

2. It is relevant to note that the suit in O.S.No.19 of 2012 has been filed in the year 2012, seeking permanent injunction as against the defendants. The defendants filed their written statement on 04.06.2012 itself, denying the title of the plaintiff and also they claimed the possession of the suit property. Thereafter, the matter went on trial. Both sides evidences were completed and posted for argument. At this stage, an amendment was sought to be introduced seeking declaration of title and also recovery of possession in alternative. The trial Court, considering the nature of the amendment, has held that the amendment sought is not only barred by limitation, but also filed after the trial was completed



and posted for arguments. Hence, as against which, the present revision petition has been filed.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

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4. The suit itself is filed for permanent injunction claiming ownership on the basis of the sale deed said to have been executed in favour of the plaintiff, dated 12.12.2011. The suit is filed in the year 2012 itself. The defendants have denied the title and also the possession of the plaintiff by their written statement filed on 04.06.2012. Thereafter, proceeded for trial and both sides evidences were completed and posted for argument. At this stage, the amendment petition is filed seeking declaration or in alternative for recovery of possession. The defendants have denied the title in the year 2012 itself, whereas the application has been filed in the year 2019, for amendment with an inordinate delay. It is also barred by limitation. Further, after the evidence is over and the matter is posted for arguments, this application has been filed. It is well settled that the post trial amendment cannot be entertained, when the same is filed to fill up the lacuna. Therefore, this Court is of the view that there is no infirmity or illegality in the order passed by the trial Court. Hence, the revision petition lacks merits and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The District Munsif Court,
Keeranur.

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-3637[F] dated 29/01/2020)

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SDS (11.02.2020) 2P-3C