

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD)No.344 of 2018

1. Indurani
2. Thangvel

... Petitioners

Vs.

Rajagopal

... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 18.09.2017, passed by the learned District Munsiff, Pollachi in I.A.No.1043 of 2016 in O.S.No.522 of 2010.

For Petitioners : Mr.L.Mouli

For Respondent : Mr.Govindharam
For Mr.B.Ramamoorthy

ORDER

The Civil Revision Petition is directed as against the fair and decreetal order dated 18.09.2017 passed by the learned District Munsiff, Pollachi, in I.A.No.1043 of 2016 in O.S.No.522 of 2010, thereby allowing the petition for amendment of the prayer.

2. The petitioners are the defendants and the respondent is the

plaintiff. The respondent filed suit in O.S.No.522 of 2010 for bare injunction in respect of the suit property. While pending the suit, the petitioners filed written statement stating that they denied very title itself. Therefore, the respondent filed petition for amendment to amend the prayer for declaration in respect of the suit property. The said petition was allowed and aggrieved by the same the present Civil Revision Petition.

3. The only contention raised by the petitioners before the trial Court is limitation, since the suit was filed in the year 2010 and immediately the written statement was also filed in the year 2011 itself. However, after the period of five years, the respondent sought amendment to amend the prayer of declaration. Therefore, it is clearly barred by limitation. However, the issue of limitation can be only considered during trial. Therefore the trial Court rightly allowed the petition and this Court finds no illegality or infirmity in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition stands dismissed.

There shall be no order as to costs.

15.04.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

To

1. The District Munsiff,
Pollachi
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

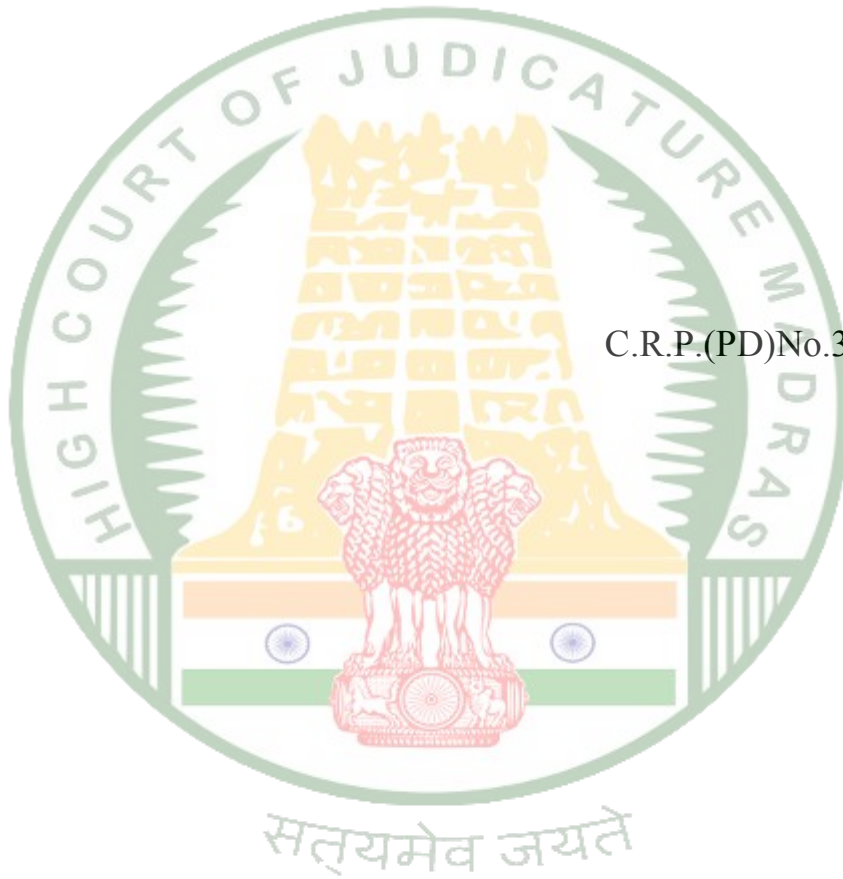


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G.K.ILANTHIRAIYAN, J.

rts



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