



C.R.P.(PD) Nos. 1857, 1859, 1862, 1953 & 1955 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

**C.R.P.(PD) Nos. 1857, 1859, 1862, 1953 & 1955 of 2022
and**

C.M.P.Nos. 9458, 9466, 9479, 9898 & 9904 of 2022

D.Dhandapani,
S/o. Ekambaram

... Petitioner in
C.R.P. (PD) No.1857/2022

C.Raja,
S/o. Chinnakannan

... Petitioner in
C.R.P. (PD) No.1859/2022

E.Govindan,
S/o. Ethiraj

... Petitioner in
C.R.P. (PD) No.1862/2022

S.Karunakaran,
S/o. Subbarayalu

... Petitioner in
C.R.P. (PD) No.1953/2022

E.Manickam,
S/o. Eakambaram

... Petitioner in
C.R.P. (PD) No.1955/2022



C.R.P.(PD) Nos. 1857, 1859, 1862, 1953 & 1955 of 2022

Versus

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1. S.G.Rajendiraprasad
S/o. S.R.Govindarajulu

2. Hitesh Thakkar,
S/o. Shanthilal M.Thakkar

... Respondents in all C.R.P.s

Prayer in C.R.P. (PD) No. 1857 of 2022 :- Civil Revision Petition has been filed under Art. 227 of Constitution of India, praying to set aside the fair and final order dated 07.04.2022 in I.A.No.1 of 2021 in O.S.No.12 of 2015 on the file of District Munsiff Court, Sholinghur, Vellore Dt.

Prayer in C.R.P. (PD) No. 1859 of 2022 :- Civil Revision Petition has been filed under Art. 227 of Constitution of India, praying to set aside the fair and final order dated 07.04.2022 in I.A.No.4 of 2021 in O.S.No.16 of 2015 on the file of District Munsiff Court, Sholinghur, Vellore Dt.

Prayer in C.R.P. (PD) No. 1862 of 2022 :- Civil Revision Petition has been filed under Art. 227 of Constitution of India, praying to set aside the fair and final order dated 07.04.2022 in I.A.No.2 of 2021 in O.S.No.14 of 2015 on the file of District Munsiff Court, Sholinghur, Vellore Dt.



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Prayer in C.R.P. (PD) No. 1953 of 2022 :- Civil Revision Petition has been filed under Art. 227 of Constitution of India, praying to set aside the fair and final order dated 07.04.2022 in I.A.No.3 of 2021 in O.S.No.15 of 2015 on the file of District Munsiff Court, Sholinghur, Vellore Dt.

Prayer in C.R.P. (PD) No. 1955 of 2022 :- Civil Revision Petition has been filed under Art. 227 of Constitution of India, praying to set aside the fair and final order dated 07.04.2022 in I.A.No.1 of 2021 in O.S.No.12 of 2015 on the file of District Munsiff Court, Sholinghur, Vellore Dt.

For Petitioner in
all C.R.P.s : Mr.J.Prithivi

COMMON ORDER

These Civil Revision Petitions have been preferred challenging the order of learned District Munsif, Sholinghur, Vellore District dated 07.04.2022 in I.A. Nos.1, 3, 2, 4 and 1 of 2021 in O.S.No. 12 of 2015 respectively.



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2. The Revision Petitioner is the Plaintiff. He has filed the suit for the relief of permanent injunction. Pending suit, the plaintiff filed amendment petitions and that were dismissed. Aggrieved over that, these Civil Revision Petitions have been filed.

3. The learned counsel appearing for Revision Petitioner submitted that he has filed the amendment petitions seeking to amend the prayer to declare the Sale deed dated 29.02.2012 as null and void. It is further submitted that the lands, which were sold by way of a sale deed dated 29.02.2012 are the lands to be enjoyed by depressive class and against the public policy, the said sale deed was executed. Hence, it has to be declared as null and void.

4. The learned Trial Judge had made a specific observation stating that the amendments sought for is prima facie barred by limitation, since the plaintiff sought to amend the plaint and seek the relief only in the year 2021.



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Admittedly, the suit was filed in the year 2015. In the particulars of the amendment, there is no details as to the date of cause of action. The alleged sale deed dated 29.02.2012 is said to be the sale deed through which the defendants have purchased the property through court action from Sriji Foundations Private Limited, and that was accepted by BIFR. The said owner of the property, for whose behalf, the property was sold in the auction was also not impleaded as a party to the proceedings. In the absence of necessary parties and also the cause of action itself had barred by limitation, the learned trial judge is right in dismissing the petition seeking to amend the plaint for the relief of declaration that the sale deed dated 29.02.2012 as null and void. Despite the title of the property is in question, there is no relief sought for declaration of title. Strangely, the plaintiff wanted to declare a particular sale deed alone as null and void. The manner in which, the amendment is sought for and the time during which it was filed would render it not maintainable. The learned trial judge has rightly dismissed the petition and I find no ground for interference.



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5. In the result, these Civil Revision Petitions are dismissed and the orders of learned District Munsif, Sholinghur dated 07.04.2022 in I.A. Nos.1, 3, 2, 4 and 1 of 2021 in O.S.No. 12 of 2015 are confirmed. Consequently, the connected Civil Miscellaneous Petitions are closed.

24.06.2022

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To

District Munsif,
Sholinghur,
Vellore Dt.



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R.N.MANJULA, J.

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