



CRP.No.3798 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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Krishnaveni

... Petitioner

Vs.

1.Paramasivam

2.The Assistant Engineer
Operate and maintenance/Town
Tamil Nadu Electricity Board
Marandahalli Town & Post
Palacode (T.K)
Dharmapuri District.

3.The Assistant Executive Engineer
Operate and Maintenance
Tamil Nadu Electricity Board
Marandahalli Town & Post
Palacode
Dharmapuri District.

4.The Executive Engineer
Operate and Maintenance
Tamil Nadu Electricity Board
Velisanthi (vill)
Palacode (TK)
Dharmapuri District.



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5.The Superintendent Engineer
Tamil Nadu Electricity Board
Dharmapuri Distribution Circle
Dharmapuri District.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed by the District Munsif Court, Palacode made in I.A.No.176 of 2022 in O.S.No.192 of 2014 dated 01.08.2022.

For Petitioners : Mr.M.Jayachandran

For Respondents : D.Ramesh Kumar, Caveator for R1
: R2 to R5 -No appearance

ORDER

This Civil Revision Petition is filed, challenging the order passed by the Court below dismissing the amendment application filed by the revision petitioner.

2. The petitioner herein filed a suit for injunction restraining the respondents 2 to 5 herein from effecting name transfer infavour of the first respondent in respect of the Will in the suit. The respondents 2 to 5 filed their



written statement stating that the name transfer was already effected in favour of the first respondent in the year 2004 itself. The written statement of the respondents 2 to 5 was filed on 29.07.2015. Thereafter, the petitioner herein filed an application seeking leave of the Court to withdraw the suit with liberty to file a fresh suit challenging the order effecting the name transfer. The said application was dismissed on 17.12.2021. Thereafter, the petitioner herein has come up with this amendment application seeking a new prayer to challenge the order passed by the official respondents 2 to 5. The respondents had filed their written statement on 29.07.2015 itself and therefore, the petitioner acquired knowledge about the order effecting the name transfer in favour of the first respondent as early as in 2015, however, he failed to seek necessary amendment within the time prescribed by law. The present amendment application is filed after expiry of seven years. Therefore, the new prayer sought to be included by way of amendment is hopelessly barred by limitation.

3. When the official respondents 2 to 5 filed written statement on 29.07.2015 stating that the name transfer was already effected in favour of the



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first respondent, the petitioner herein deemed to have acquired knowledge about the name transfer in favour of the first respondent. Thereafter, it is not open to him to file an amendment application challenging the order passed by the official respondents 2 to 5 effecting the name transfer after expiry of the limitation period.

4. Therefore, the Court below is right in dismissing the amendment application filed by the revision petitioner. I do not find any error in the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. No costs.

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Index : Yes / No
Internet : Yes / No
dna



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To

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S.SOUNTHAR, J.
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