



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(PD)(MD) .No. 1094 of 2017

and CMP(MD)No.4828 of 2017

A.Sivakami

... Petitioner/6th respondent/6th defendant
Vs

1.Pitchammal

2.Loganayagi

3.R.Muthukumar

4.R.Rangan

5.R.Murugan

6.R.Kannan

7.Arulmigu Azhagiya Mannar Raja Gopala Swamy Kovil,

Through its Executive Officer,

Perumal East Car Street,

Palayamkottai,

Tirunelveli District

...3 to 7 Respondents/1 to 5 Respondent/
1 to 5 defendant

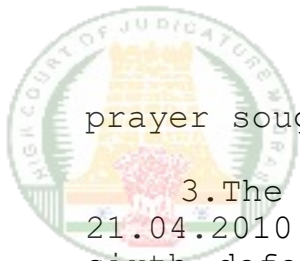
PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 20.02.2017, in I.A.No.1129 of 2016 in O.S.No.53 of 2010, passed by the learned Principal District Munsif, Tirunelveli.

For Petitioner : Mr.V.Meenakshisundaran
For Respondents : Mr.H.Arumugam (R1 & R2)
No Appearance (R3 to R7)

ORDER

This Civil Revision Petition has been filed by the revision petitioner to set aside the fair and decreetal order, dated 20.02.2017 in I.A.No.1129 of 2016 in O.S.No.53 of 2010, passed by the learned Principal District Munsif, Tirunelveli.

2.I.A.No.1129 of 2016 was filed by the 1 & 2 respondents/plaintiffs, under Order 6 Rule 17 of C.P.C., to amend the prayer in the plaint. Originally, the suit was filed by the 1 & 2 respondents/plaintiffs, for the relief of permanent injunction, not to alienate the property and also not to interfere with the right of poojas in the Arulmigu Azhagiya Mannar Raja Gopala Swamy Kovil. Now, the sixth defendant has also been impleaded as per order in I.A.No.1198 of 2010, on the ground that the sixth defendant had purchased the property on 18.01.2010. Again, the plaintiffs filed the present impugned I.A.No.1129 of 2016, to amend the prayer to declare the sale deed executed in favour of the sixth defendant is not valid and not binding on the plaintiffs. The trial Court allowed the amendment petition. Hence, this revision petitioner filed this petition to set aside the order, on the ground that the



prayer sought for by the plaintiffs is barred by limitation.

3.The revision petitioner has filed a written statement on 21.04.2010 and has stated that the property was purchased by the sixth defendant and the date of knowledge of the plaintiffs is on 21.04.2010. But he has filed this petition only on 07.11.2014 and the same was numbered in the year 2016, which is barred by limitation. The trial Court has to decide whether the document produced by the sixth defendant is a void one or voidable one. Then only, the question of limitation can be decided.

4.In view of the above, the trial Court is directed to give a finding regarding the sale deed, dated 18.01.2010 and also to decide the point of the limitation for the relief of declaration of sale deed as not valid after full trial. Both the questions are kept open for the trial Judge to be decided without being influenced by the order made in I.A.No.1129 of 2016.

5.With these directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

To

1.The Principal District Munsif, Tirunelveli.

2.The Record Keeper,
Vernacular Section, Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D. NALLATHAMBI, Advocate (SR-18555[F] dated 13/04/2022)

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-18912[F] dated 18/04/2022)

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NSN(CO)

KB(26.04.2022) 2P 6C