



C.R.P.(MD) No.1776 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.1776 of 2023

and

C.M.P.(MD) No.8844 of 2023

1.Chinna Samy

2.Subramani

... Petitioners

Vs.

Kondappa Naicker (Died)

1.Thoppa Naicker

2.Pappa Naicker

3.Thathakkal

4.Chinnammal

5.Selvarani

6.Thanam

7.Anjalai

8.The Village Officer,
Sevanthalingapuram Village,
Musiri Taluk, Trichy District.



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9.The Thasildhar,
The Thasildhar Office,
Musiri Taluk, Trichy District.

10.The District Collector,
Collectorate, Trichy District.

11.The Joint Commissioner,
Land Reforms Commission,
Pudukottai Road, Trichy City, Trichy District.

12.The Sub Registrar,
Sub Registrar Office,
Musiri, Musiri Taluk, Trichy District.

... Respondents

Prayer: This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 28.03.2023 passed in I.A.No.1 of 2022 in O.S.No.233 of 2011 on the file of the Additional District Munsif Court, Musiri.

For Petitioners	: Mr.V.Meenakshisundaram for Mr.S.Vashik Ali
For R1 to R6	: M/s.Chamundi Bose
For R8 to R10 & R12	: Mr.G.Suriyananth Additional Government Pleader
R11	: Given up

ORDER

This Civil Revision Petition is preferred as against the impugned fair and decretal order dated 28.03.2023 passed in I.A.No.1 of 2022 in O.S.No.233 of 2011 on the file of the Additional District Munsif Court, Musiri.



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2. The above suit in O.S.No.233 of 2011 was filed by the petitioners for the relief of permanent injunction. During the pendency of the suit, the petitioners filed an application in I.A.No.1 of 2022 for amending the plaint by including the prayer for declaration of Sale Deed dated 27.05.2011 and Rectification Deed dated 21.11.2011 as null and void. The Trial Court after considering the averments made in the affidavit and in the counter affidavit and the arguments advanced on both sides, dismissed the said I.A., against which, the present Civil Revision Petition is preferred.

3. According to the petitioners, the said I.A. ought to have been allowed by the Trial Court in order to have a fair adjudication and if the said I.A. is allowed, no prejudice would be caused to the respondents/defendants. It is submitted that in the Written Statement, it has been stated that the first defendant had executed the Sale Deed in favour of his son who is the fifth defendant in the suit and therefore, it has become necessary for the petitioners to amend the prayer for declaration of the said Sale Deed as null and void. However, the Trial Court dismissed the said I.A. by observing that the said I.A. has been filed after lapse of 10 years and therefore, same cannot be permitted.



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4. During the course of hearing, the learned counsel for the first to sixth respondents would submit that a comprehensive suit in O.S.No.244 of 2013 was filed by the petitioners and therefore, the proposed amendment is not required.

5. Therefore, considering the above submissions, the impugned order passed by the Trial Court calls no interference. Thus, the impugned order of the Trial Court is confirmed and this Civil Revision Petition is liable to be dismissed.

6. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No cost.

17.08.2023

NCC :Yes/No
Internet: Yes/No
Index: Yes/ No
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To

The Additional District Munsif,
Musiri.



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K.GOVINDARAJAN THILAKAVADI, J.

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