



C.R.P.No.967 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.967 of 2024

and

C.M.P.No.4926 of 2024

Mariyappan

... Petitioner

Vs.

1.Veerammal

2.Madhammal

3.Sumathi

4.Sakthivel

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 26.03.2019 passed in I.A.No.867 of 2018 in O.S.No.118 of 2018 on the file of the Sub-Ordinate Judge, Palacode.

For Petitioner

: M/s.V.Sakkarapani

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner seeking amendment of the plaint.



WEB COPY

2. The petitioner herein filed a suit for partition and separate possession and the respondents filed a written statement on 14.07.2014 and resisted the suit by raising various pleas.

3. In the written statement filed by the respondents, it was stated that 1st respondent executed a settlement deed in favour of 4th respondent/4th defendant on 17.12.2012 and 31.12.2012.

4. It is the case of the petitioner that suit properties are family properties and hence, the 1st defendant had no right to execute the settlement deed in favour of 4th respondent. It is also stated that the settlement deed executed by 1st respondent would not bind the petitioner/plaintiff. Later on, the present application for amendment of the plaint was filed by the petitioner seeking to introduce a new prayer for declaration that settlement deeds referred to in the written statement were null and void. The said application was dismissed by the Trial Court on the ground of limitation. Aggrieved by the same, the petitioner is before this Court.



C.R.P.No.967 of 2024.

5. It is seen from the records that written statement was filed by the respondents on 14.07.2014 and the settlement deeds sought to be declared as null and void were referred to in the written statement. However, the present application has been filed by the petitioner only on 09.11.2018 beyond the period of three years. Therefore, even on the date of filing of the amendment application, the prayer sought for by the petitioner was barred by limitation. Hence, the Trial Court rightly dismissed the amendment application and I do not find anything to interfere with the order passed by the Trial Court. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

18.03.2024

Index : Yes / No
Internet : Yes / No
nr

To
The learned Sub-Ordinate Judge, Palacode.



WEB COPY



C.R.P.No.967 of 2024.

S.SOUNTHAR, J.

nr

C.R.P.No.967 of 2024
and
C.M.P.No.4926 of 2024

18.03.2024