



WEB COPY



C.R.P.No.1690 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

C.R.P.No.1690 of 2024
and
C.M.P.No.8914 of 2024

1.S.Rajalakshmi
2.S.Thanigesan
3.S.Sundaresan

.. Petitioners

VS

1.T.Velumani
2.N.Jayakumar

.. Respondents

Petition filed under Article 227 of the Constitution of India against the fair and final order dated 11.01.2024 passed by learned I Additional District Judge, Coimbatore in I.A.No.4 of 2023 in O.S.No.520 of 2020.

For Petitioners : Mr.L.Mouli

ORDER

The suit is one for partition and separate possession. Pending the suit, an application was taken out in I.A. No.4 of 2023 for the purpose of seeking relief of declaration that the partition deed



C.R.P.No.1690 of 2024

executed on 14.12.2005 is null and void and not binding on the plaintiff.

2. It is the case of Mr.L.Mouli, learned counsel for the petitioners that the suit having been filed in the year 2020, the relief of declaration is barred by limitation.

3. Limitation is a mixed question of law and fact. It can certainly be raised by way of filing a written statement. In any event after the amendment to the Code of Civil Procedure under Order VI Rule 17 C.P.C., pre-trial amendments have to be liberally construed. Therefore, I do not find any error in the order of the Trial Court. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.04.2024

Index:Yes/No
Neutral Citation:Yes/No
mmi

To

The I Additional District Judge,
Coimbatore.



WEB COPY



C.R.P.No.1690 of 2024

V. LAKSHMINARAYANAN,J.

mmi

C.R.P.No.1690 of 2024

18.04.2024