



C.R.P.(MD)Nos.2071 & 2072 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)Nos.2071 & 2072 of 2024

and

C.M.P.(MD)Nos.11803 & 11805 of 2024

K.Jothi

... Petitioner / Petitioner / Plaintiff
in both C.R.Ps.

Vs.

1.Rengaraj

2.Government of Tamil Nadu
Rep. by the District Collector,
Collectorate, Trichy.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Musiri, Trichy District.

4.The Tahsildar,
Tahsildar Office,
Thuraiyur,
Trichy District.

... Respondents / Respondents / Defendants
in both C.R.Ps.

Prayer in C.R.P.(MD)No.2071 of 2024: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order I.A.No.4 of 2023 in O.S.No.195 of 2017 dated 17.04.2024 on the file of the learned District Munsif Court, Thuraiyur, Trichy District.



C.R.P.(MD)Nos.2071 & 2072 of 2024

Prayer in C.R.P.(MD)No.2072 of 2024: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order I.A.No.5 of 2023 in O.S.No.195 of 2017 dated 17.04.2024 on the file of the learned District Munsif Court, Thuraiyur, Trichy District.

For Petitioner : Mr.G.Kasinathadurai
For Respondent : Mr.K.Balasubramani
(in both C.R.Ps) Special Government Pleader for R2 to R4

COMMON ORDER

The plaintiff in O.S.No.195 of 2017 on the file of the District Munsif Court, Thuraiyur is the petitioner in both civil revision petitions. It is a suit for permanent injunction. The petitioner filed I.A.No.4 of 2023 for re-opening the suit and for recall of witness. I.A.No.5 of 2023 was filed for amending the suit prayer to include the relief of declaration. The court below vide order dated 17.04.2024 dismissed IAs. Challenging the same, this civil revision petitions have been filed.

2. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds of civil revision petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

3. I am not swayed by the said submission. The court below has noted that the suit was instituted in the year 2017. The relief of declaration should be



C.R.P.(MD)Nos.2071 & 2072 of 2024

sought within a period of three years. The court below has relied on two decisions of the Hon'ble Supreme Court reported in (2016) 1 SC 332 (*L.C.Hanumanthappa Vs. H.B.Shivakumar*) and 2022 (6) CTC 485 (*Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited*) for the proposition that declaratory relief cannot be sought after the expiry of the period of limitation. The petitioner's counsel states that the amendment became necessary in view of the commissioner's report. I wanted to know when the commissioner's report was submitted. It is admitted that the commissioner's report was submitted in 2021 itself. The case itself is posted for argument. The court below rightly came to the conclusion that IAs have been filed to drag on the proceedings. The court below has given sound and convincing reasons for dismissing IAs. Interference with the impugned order is not warranted. The Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

22.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
rmi



WEB COPY



C.R.P.(MD)Nos.2071 & 2072 of 2024

G.R.SWAMINATHAN, J.

rmi

To:

1. The District Munsif Court, Thuraiyur, Trichy District.
2. The District Collector,
Collectorate, Trichy.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Musiri, Trichy District.
4. The Tahsildar,
Tahsildar Office,
Thuraiyur,
Trichy District.

C.R.P.(MD)Nos.2071 & 2072 of 2024

22.10.2024