

WEB COPY

CRP(PD).No.12 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.12 of 2025

and

CMP.No.103 of 2025

V.Narendrakumar

... Petitioner

Vs.

1.Mr.D.Kanagaraj

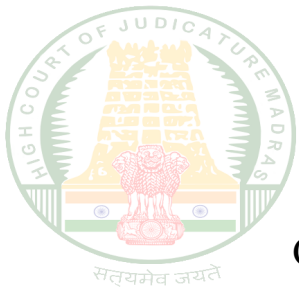
2.K.Hepsiba Jaylin

3.K.Jennifer

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to allow this CRP by setting aside the fair and decretal order of the Hon'ble Additional District Munsif Court, Alandur in IA.No.4 of 2024 in OS.No.326 of 2019 dated 16.11.2024.

For Petitioner : M/s.T.Ramachandran

**ORDER**

Challenging the dismissal of his application for amendment, the plaintiff is the petitioner before this Court.

2. The petitioner/plaintiff had filed a suit OS No. 326 of 2019 for a permanent injunction against the respondents/defendants. It is the case of the petitioner/plaintiff that his wife had executed a sale deed in favour of respondents 2 and 3 namely defendants 2 and 3 who are the daughters of the 1st respondent/defendant on 28.01.2016 and the same was registered as Document No.139 of 2016 on the file of the Joint Sub Registrar-II, Alandur. At the time of the execution of this sale deed, the 3rd respondent/3rd defendant was minor. The recitals in the sale deed would show that a cheque was issued on 28.01.2016 for a sum of Rs. 4,90,000/-. However, this cheque was not presented by the petitioner/plaintiff. Therefore, the petitioner/plaintiff would contend that the document executed in favour of the defendants is not valid.

3. The petitioner/plaintiff would further submit that his wife had filed WP.No.29124 of 2019 on 04.10.2019 to direct respondent 1 and



3 therein to consider her representation and consequently cancel the sale deed dated 28.01.2016. This Court by order dated 04.10.2019 was pleased to dismiss the said writ petition by stating that the petitioner therein has to approach the civil court as the dispute is purely civil in nature.

4. The petitioner had also filed a suit to cancel the sale deed dated 28.01.2016 before the Sub Court, Tambaram which was transferred to the Sub Court, Alandur and the same is pending for numbering. The petitioner would submit that the instant suit is posted for further evidence and therefore there is a necessity to amend the pleadings to add the prayer for declaring the sale deed as null and void.

5. The 1st respondent/1st defendant had filed a counter statement in which he has stated that the 2nd and 3rd respondents were not minors but had attained majority when the sale deed has been executed. The 1st respondent/1st defendant had further contended that



the application for amendment was time barred and has to be dismissed.

6. After hearing the both parties, the learned Judge had proceeded to dismiss the application against which the petitioner/plaintiff is before this court.

7. Heard the learned counsel for the petitioner and perused the records.

8. The very suit that has been filed by the petitioner/plaintiff is one for the bare injunction. A perusal of the plaint would indicate that nowhere has the petitioner/plaintiff taken the plea of defendants 2 and 3 being minors. It appears to be a plea that has been taken now in the petition seeking amendment. That apart, the petitioner/plaintiff is very much aware about these facts at the time of the very registration in the year 2016.

9. The writ petition filed by the petitioner's wife for cancelling the sale deed has been dismissed in the year 2019 itself and the



petitioner has come forward with the present petition only in the year 2024 seeking an amendment based on a fact which is very much in the knowledge of the petitioner as early as in the year 2016 and there is no explanation as to why the suit had not been filed for a declaration.

10. Considering the fact that the application filed by the petitioner/plaintiff is highly belated, the order passed by the learned Additional District Munsif, Alandur dismissing the application cannot be found fault with.

11. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

03.02.2025

(shr)
Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No

To

1.The Additional District Munsif Court, Alandur.



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