



C.R.P.No.1111 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

C.R.P.No.1111 of 2025

and

CMP.No.6566 of 2025

1. R.P.Prabu Ram
2. R.P.Senthil Kumar

Petitioners 1 & 2 rep. by their Power of Attorney Agents

1.A.Kandavelu

2.V.Mohan

...Petitioners

Vs.

1. B.Purushothaman
2. A. Maheswari
3. K.Annamalai
4. The Cuddalore Municipality,
Rep. by the Municipal Commissioner,
Bharathi Road, Cuddalore – 607 001.
5. The State of Tamil Nadu,
Rep. by the District Collector Cuddalore,
Pennaiyar Road, Cuddalore.
6. The Tahsildar,
Cuddalore Taluk,
Beach Road, Cuddalore.



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7. Joint II Sub Registrar,
Having office at Sankara Naidu Street,
Tirupapuliyur – 607 002.

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 08.01.2025 passed in I.A.No.125/2022 in O.S.No.160 of 2020 on the file of Ist Addl. Sub Judge, Cuddalore by allowing the Revision Petition.

For Petitioners : Mr.T.S.Baskaran

For Respondents : Ms.J.Pooja for
: Mr.D.Baskar, for R1
: Mr.D.Gopal, GA, for R4 to R7
: Notice not ready, for R2
: No Appearance, for R3

ORDER

The plaintiffs whose application for amendment to the plaint to incorporate the relief of declaration of their title has been rejected, are before this Court.

2. Heard the learned counsel for the parties.



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3. Mr.T.S.Baskaran, learned counsel for the petitioners would submit that the only ground on which the application has been dismissed by the Trial Court is that in view of the declaratory relief sought for by the plaintiffs by way of amendment, the pecuniary jurisdiction of the Court to try the matter goes and the matter would have to be necessarily tried by the District Court and therefore, on the said ground, the amendment itself had been refused. Learned counsel for the petitioners would state that the amendment was necessitated only in view of the stand taken in the written statement, denying the title of the plaintiffs. Therefore, he states that the suit originally filed for permanent injunction had to be converted into a declaratory suit, by seeking the additional relief of declaration of their title. He would further state that the proper course of action that was available to the Trial Court was to allow the amendment and return the plaint to be presented before the proper Court and not dismiss the amendment application on this ground.

4. Per contra, the learned counsel for the 1st respondent would state that the plaintiffs have, in addition to the relief of permanent injunction which was originally sought for, also sought for a declaration that decree



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in O.S.No.88 of 2009 dated 19.01.2010 culminating in E.P.No.45 of 2011 is null and void and not binding on the plaintiffs. She also contends that this defendant is in physical possession and the plaintiffs are not entitled to seek a mere relief of declaration without seeking the relief of possession. She would also state that the relief of declaration which is now sought to be introduced is barred by limitation, since the relief of declaration has not been sought within a period of three years.

5. I have carefully considered the submissions advanced by the learned counsel on either side and I have also gone through the order passed by the Trial Court, dismissing the amendment application on the ground that the amendment, if allowed would take away the pecuniary jurisdiction of the Court to try the matter and hence, the amendment cannot be permitted.

6. The finding of the Trial court that merely because the valuation of the suit is enhanced, it will change the character of the very suit itself is totally unsustainable and unreasonable.



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7. As rightly contended by the learned counsel for the petitioners, the reason that the pecuniary jurisdiction of the Court to try the suit would get affected if the amendment is allowed has been the basis on which the amendment application has been dismissed. At the same time, the contention of the learned counsel for the 1st respondent that the relief of amendment that is prayed for is hopelessly barred by limitation also deserves to be considered. However, it cannot be considered at the stage of the amendment application being taken up. The respondents will have an opportunity to file an additional written statement and also take the plea of limitation which could be considered by the Trial Court.

8. In fact, it is also brought to my notice that the respondents also propose to take out an application under Order 7 Rule 11 of CPC to reject the plaint. The right of the respondents/defendants to take out any application under Order 7 Rule 11 of CPC, including canvassing the plea of limitation is always open. However, considering that, in view of the amendment sought for, the suit will have to be transferred to the District



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Court, Cuddalore, this Civil Revision Petition is disposed of, in the following terms:-

(i) The order of the Trial Court made in I.A.No.125 of 2022 in O.S.No.160 of 2020 dated 08.01.2025 is set aside and the amendment sought for by the petitioners/plaintiffs is allowed.

(ii) The Trial court shall return the plaint to the plaintiffs to be presented before the proper Court after paying appropriate Court fees and also carrying out the amendments which shall be limited only to those that have been sought for in I.A.No.125 of 2022 and no other new amendments or changes shall be incorporated in the plaint.

(iii) The plaint shall be presented before the District Court, Cuddalore along with appropriate Court fee and a clean copy of the plaint.

(iv) It shall be open to the respondents/defendants to take out a / pursue the application, if already filed, under Order 7 Rule 11 of CPC. The plea of limitation is also be available to the respondents/defendants to be raised, challenging the maintainability of the new relief that has been introduced by way of new amendment.



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(v) The amendment being ordered shall not relate back to the date of institution of the suit, but will be prospective, ie., from the date of filing of I.A.No.125 of 2022 only.

10. With the above directions, this Civil Revision petition stands allowed. There shall be no order as to costs. Consequently, the connected Miscellaneous petition is closed.

11. Registry is directed to mark a copy of this order to the District Court, Cuddalore.

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Index	: Yes / No
Speaking Order	: Yes / No
NCC	: Yes / No



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To:

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Cuddalore.
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3. The District Collector Cuddalore,
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P.B. BALAJI, J.

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