



CRP No.2884 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :31.07.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P.No.2884 of 2025

Kalaimagal Kalvi Arakkattalai,
Rep. by its Chairman, Mr.Subramanian,
S/o.Ramalingam, No.14, Murudhur Road,
Kandamangalam, Villupuram Taluk & District.

... Petitioner

VS

Ramanathan (Died)
Rep. by his Legal Heirs

1. Shenbagam
2. Rajmohan
3. Mallika

... Respondents

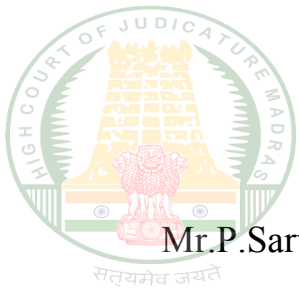
Revision filed under Article 227 of the Constitution of India against the fair and decretal order dated 20.03.2024 made in I.A.No.508/2023 on the file of learned Principal District Munsif, Villupuram.

For Petitioner : Mr.C.Samivel

For Respondents : Mr.P.Sarveswaran

ORDER

Heard Mr.C.Samivel, learned counsel for the revision petitioner and



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Mr.P.Sarveswaran, learned counsel for the caveator/respondent.

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2. The revision petitioner is the plaintiff in O.S.No.367 of 2012 and aggrieved by the order in I.A.No.508 of 2023 disallowing the amendment application, the present revision has been filed.

3. Learned counsel for the petitioner, referring to the averments in the plaint would state that there is no new cause of action or change in the character of the suit and the revision petitioner/plaintiff only wants to amend the plaint by bringing on record the subsequent events that had taken place subsequent to the filing of the suit and he therefore states that the trial court has erroneously held that the character of the suit itself gets altered and therefore, the same is not permissible by way of amendment. Hence the revision petitioner seeks for setting aside the order of the trial court.

4. Per contra, learned counsel appearing for the 2nd respondent states that the amendment that is sought for is barred by the provisions of Limitation Act. Referring to the reliefs that are now sought to be introduced/substituted, learned counsel for the second respondent states that the revision petitioner/plaintiff now seeks to convert the suit for permanent injunction into



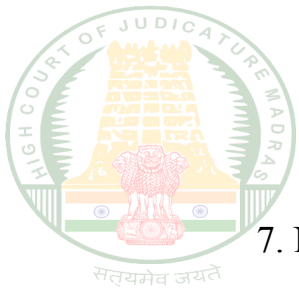
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one for return of movable property and also a claim for damages. Both the said reliefs are covered by various provisions of the Limitation Act and the requirement of the suit to be filed within a period of three years from the date of knowledge of the plaintiff with regard to the movables being gone out of the possession or custody of the plaintiff or from the date of dispossession.

5. Admittedly, even according to the learned counsel for the revision petitioner/plaintiff, he seeks amendment stating that even in 2013, the plaintiff has been forcibly dispossessed, pending the suit and the machineries that were lying inside the suit property has been unlawfully taken away by the second respondent and consequently the plaintiff also wants to seek damages by way of compensation.

6. As rightly contended by the learned counsel for the second respondent the reliefs that are now sought to be introduced by way of amendment cannot be maintained by way of a separate suit. This is the test which has to be applied in determining whether the amendment application could be allowed when there is an objection taken with regard to the amended relief being barred by limitation.



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7. No doubt, as learned counsel for the petitioner contends, the trial Court

has not addressed the issue of limitation, but has proceeded to hold that the amendments amount to changing the very character of the suit and introduce a new cause of action and therefore, the trial Court has non-suited the plaintiff.

8. I am unable to sustain the said findings of the trial court since as rightly contended by the learned counsel for the petitioner, what was sought to be amended, was only to bring on record the subsequent events pending the suit viz., dispossession of the plaintiff and loss of machineries resulting in claim for damages. However, at the same time, when the specific plea of bar of limitation has been raised in the counter affidavit to the amendment application, necessarily I have to examine whether the reliefs that are now sought for and consequently the paragraphs that are sought to be included in the plaint would be permissible in the light of the bar of limitation.

9. The reliefs, as already discussed, that are sought to be introduced ought have been filed within three years. The plaintiff cannot feign ignorance of dispossession, because it is his specific allegation even in the affidavit filed in support of the amendment application that the petitioner/plaintiff was dispossessed from the property. Therefore, the reliefs that are now sought to be



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introduced should have been sought for within a period of three years from 16.10.2012 i.e., on or before 15.10.2015. However, the amendment application has been taken out only in the year 2023. Therefore, the said reliefs are not available to be evaded of by the plaintiff at such a belated stage.

10. In view of the admitted facts narrated herein above, the issue of limitation does not even boil down to a mixed question of facts and law and the question of limitation can straight away be ascertained from the available pleadings especially the affidavit filed in support of the amendment application itself.

11. In view of the above, though for different reasons, I am not inclined to set aside the fair and decretal order passed by Principal District Munsif, Villupuram in I.A.No.508 of 2023 in O.S.No.367 of 2012 dated 20.03.2024 and the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

31.07.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-speaking Order
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P.B.BALAJI.,J.

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To

The Principal District Munsif,
Villupuram.

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