



CRP Nos.3732 and 3691 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :03.07.2025

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CORAM:

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

C.R.P.Nos3732 and 3691 of 2023
and CMP Nos.23287 and 23130 of 2023

Manoharan

... Petitioner in both the revisions

VS

1.Saraswathi
2.Thulasimani
3.Sundarrajan
4.Duraisamy
5.V.Suresh Babu
6.E.Sakthivel
7.S.Vijay Anand
8.V.Loganathan
9.V.Dhanalakshmi
10.Sujitha
11.V.Prabha
12.D.Praveen
13.D.Logambaal
14.S.Duraisamy

.. Respondents in both the revisions

Revision filed under Article 227 of the Constitution of India against the fair and decreetal order dated 04.03.2023 and 04.08.2023 in I.A.Nos.3 of 2022 and 4 of 2023 in O.S.No.326 of 2010 on the file of Additional District Munsif, Tiruchengode.

For Petitioner : Mr.S.Viswanathan



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For Respondents : Mr.S.Mayilnathan
For R.1
For R.2 to R.14 – No appearance

COMMON ORDER

The revisions are preferred against the application allowing the subsequent purchasers to be impleaded as party defendants to the suit and also allowing amendment of the plaint.

2. Heard the learned counsel for the parties.

3. Learned counsel for the petitioner would submit that the relief of declaration that has been introduced by way of amendment is hopelessly time barred and even insofar as the application for impleading the third party purchasers, he would contend that the purchasers are neither proper nor necessary parties. However, the trial Court has erroneously proceeded to allow both the application which has seriously prejudiced the interests of the revision petitioners.

4. Per contra, learned counsel for the first respondent/plaintiff would submit that the trial Court has assigned valid reasons for entertaining the applications and has clearly found that the presence of the third party purchasers would be necessary to adjudicate the issue. The trial Court has further allowed the application for amendment, by assigning valid reasons. Therefore, the learned counsel prays for dismissal of both the revisions.



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WEB COPY 5. I have carefully considered the submissions advanced by the learned counsel on either side and also gone through the the orders passed by the trial court in both the applications.

6. The trial Court has rightly found that if the suit is decided in the presence of the proposed parties, it would avoid multiplicity of proceedings and parties would be able to resolve their disputes finally before one forum. Insofar as the application for amendment is concerned, the trial Court has rightly found that the amendment was necessitated because of impleadment of new parties.

7. Therefore, I do not see any perversity or illegality in the order passed by the trial Court warranting interference under Article 227 of the Constitution of India. At the same time, the contention of the learned counsel for the petitioner that the amended relief for declaration is barred by limitation cannot be brushed aside. Therefore, liberty is granted to the defendants to canvass the plea of limitation before the trial Court and the issue of limitation shall be decided along with other issues. It is made clear that the amendment will not

P.B.BALAJI.,J.



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WEB relate back to date of plaint in view of the specific objection regarding the plea raised by the revision petitioner/third defendant. It is made clear that the amendment shall be relate back only to the date of application in I.A.No.4 of 2023 and not relate back to the plaint.

8. Considering the fact that the suit is of the year 2010, the Additional District Munsif, Tiruchengode shall expedite trial and after completing pleadings within a period of six weeks from the date of receipt of a copy of this order, shall proceed with the trial and dispose of the suit on merits and in accordance with law on or before 31.01.2026.

9. In the result, both the civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.07.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-speaking Order
sr

To
The Additional District Munsif Court, Tiruchengode

C.R.P.Nos.3732 and 3691 of 2023