



C.R.P.(PD)(MD)No.177 of 2020

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.177 of 2020

and

C.M.P(MD)No.1027 of 2020

1.Viswakarma Samudayam,
Panagudi.
Rep. by its President
I.Balasubramanian

2.S.P.Sankaran Asari
3.P.Manikandan
4.S.Natarajan

...Petitioners/Petitioners/Plaintiffs

Vs.

S.Dasan(Died)

1.C.Joseph Raj

2.The Executive Officer,
Head quarters at
Arulmigu Subramania Swamy Temple Devaswom,
Valliyur, Tirunelveli District.

3.The Commissioner,
HR & CE Department,
Nungampakkam, Chennai -34 .

4.Arulmigu Ramalingasamy Kovil,
Panagudi, rep. by its Executive Officer,
Main Road, Panagudi,
Radhapuram Taluk,
Tirunelveli District.

...Respondents/Respondents/Defendant

*(Cause title accepted vide Court order dated 23.01.2020 made in
C.M.P(MD)No.423 of 2020 in CRP(MD)SR.No.1386 of 2020)*



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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decretal order, dated 14.08.2019 made in I.A.No.704 of 2017 in O.S.No.284 of 2000, on the file of the Principle District Munsif, Valliyur.

For Petitioners : M/s.R.Suriyanarayanan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R2 & R3
Mr.C.Guhaseela Rupan for R4

ORDER

The plaintiffs in O.S.No.284 of 2000, on the file of the Principal District Munsif Court, Valliyoor, are the revision petitioner herein.

2.The above said suit has been filed for the relief of declaration of title and recovery of possession from the defendants 1 and 2. The plaintiffs had also prayed for permanent injunction restraining the defendants 1 and 2 from paying rent to the defendants 3 and 4 or in any way altering the physical features of the plaint schedule property. The plaintiffs had further prayed for permanent injunction restraining the defendants 3 and 4 and their subordinates and servants from receiving or collecting rent for the plaint schedule property from the defendant 1 or 2.



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3.The suit was initially filed as against the defendants 1 to 4. By way of amendment, the fifth defendant was impleaded as a party to the suit. The plaintiffs had filed I.A.No.704 of 2017 under Section 6 Rule 17 to amend the 'D' prayer in the plaint by deleting the defendant No.4 and to incorporate the defendant No.5. This application came to be dismissed by the trial Court on the ground that no allegations have been made as against the fifth defendant and no cause of action has been pleaded as against the said defendant. Challenging the same, the present revision petition has been filed.

4.According to the learned Counsel appearing for the revision petitioners, only the fifth defendant is attempting to collect rent from the defendants 1 and 2 and therefore, the prayer was sought to be amended, by deleting the defendant No.4 from the 'D' prayer and to incorporate the defendant No.5. He further contended that the amendment is a pre-trial amendment and therefore, the Court ought not to have rejected the said application.

5.Per contra, the learned Special Government Pleader appearing for the respondents 2 and 3 herein had contended that without amending the body of the plaint or the cause of action paragraph, the present prayer to amend the



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prayer is not maintainable. There are no allegations as against the fifth defendant and therefore, the trial Court has rightly rejected the application.

6.I have considered the submissions made on either side and perused the materials available on record.

7.A perusal of the plaint reveals that the fourth defendant is the Commissioner of H.R. & C.E. Department and the fifth defendant is the Executive Officer of the Arulmigu Ramalingasamy Temple, Panagudi. Originally, the plaintiffs prayer is for permanent injunction restraining the defendants Nos.3 and 4 and their subordinates and servants from receiving and collecting rent for the plaint schedule property from the defendant 1 or 2. The plaintiffs had already sought for prayer as against the Commissioner of HR & CE department and his subordinates. It is needless to point out that the fifth defendant is also a subordinate officer of the fourth defendant. Therefore, even without the amendment sought for now, the fifth defendant would be bound by the decree, in case, if a decree is passed as against the fourth defendant.

8.In view of the above said facts, the present amendment sought for, is unnecessary. Therefore, the trial Court has rightly rejected the application.



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Accordingly, this Civil Revision Petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is also closed.

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Internet: Yes/No
Index: Yes/No
RJR

To

The Principle District Munsif Court, Valliyur.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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