



CRP(MD). No.191 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10/09/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.191 of 2023  
and  
CMP(MD)No.946 of 2023

1. Alexander,
2. Zoe Shobana Alexander,
3. Jacob Alexander Chelliah,
4. Judah Alexander, ... Petitioners/ Plaintiffs 1 to 4

Vs

1. Selvadhas,  
S/o. Chelliah Nadar, Residing at M.S.  
Bhavan, Perumpuzhi, Uruppavilai,  
Kanjiracode Post, Chirayankuzhi,  
Nalloor Village, Vilavancode Taluk,  
Kanyakumari District.

2. Manesheh,  
S/o. Chelliah Nadar, Residing at M.S.  
Bhavan, Perumpuzhi, Uruppavilai,  
Kanjiracode Post, Chirayankuzhi,  
Nalloor Village, Vilavancode Taluk,  
Kanyakumari District.  
Presently residing at  
House No.24, 12th Street,



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Palavanthangal,  
Nanganalloor Post,  
Chennai-61.

3. Zuliet Zoe Zakster,  
W/o. Samuel Zaster, Residing at  
Chirayankuzhi, Kanjiracode Post,  
Nalloor Village, Vilavancode Taluk,  
Kanyakumari District. Now Residing at  
1624, Goldenrod in Keller,  
Texas 76248 USA.

4. Jeniat Zoe Samuel,,  
W/o. Sandeep Samuel, Residing at  
Chirayankuzhi, Kanjiracode Post,  
Nalloor Village, Vilavancode Taluk,  
Kanyakumari District. Now Residing at  
Tanglewoodct,  
Edina - 55439 USA.

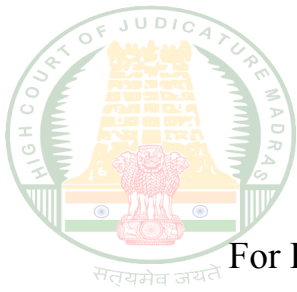
... Respondents 1 to 4 / Respondents /  
Defendants

5. Joel Alexander,  
S/o. Late. Alexander Chelliah,  
Chirayankuzhi, Kanjiracode Post,  
Nalloor Village, Vilavancode Taluk,  
Kanyakumari District.

... 5th Respondent / 5th Plaintiff

PRAYER :-

Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the fair and decreetal order dated 14.10.2022 passed in I.A. No. 1 of 2022 in O.S. No. 25 of 2016 on the file of the Principal District Munsif Court, Kuzhithurai.



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For Petitioner : M/s.J. Anandhavalli,  
Advocate.

For Respondent : Mr.S.C.Herold Singh - for R2

No appearance - for R5

### **ORDER**

This Civil Revision Petition filed to set aside the fair and decreetal order dated 14.10.2022 passed in I.A. No. 1 of 2022 in O.S. No. 25 of 2016 on the file of the Principal District Munsif Court, Kuzhithurai.

2. Learned counsel for the petitioners would submit that the petitioners had initially filed a suit for permanent injunction as against the respondents. Since it was a bare injunction suit and having been advised, they had taken out an application for amendment of a plaint by including a relief of declaration and other averments with regard to the relief of declaration. The Court below without appreciating the merits of the application had dismissed the application by holding that the amendment that is sought to be made is barred by law of limitation. Hence he would seek interference with the order passed by the Court.



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3. Countering the arguments Mr.S.C.Herold Singh, learned counsel appearing for the second respondent would submit that to the plaint the respondents had filed a written statement as early as on 02.06.2016 and the trial had also began. Even in the written statement, the respondents have denied the title of the property in the petitioners. The petitioners having not taken any steps immediately on the filing of the written statement, after the trial has commenced, had filed the present petition only to protract the proceedings. Further, he would submit that as per Article 58 of the Limitation Act, the period for seeking of declaration from the date of denial of title, would be three years and that the respondents having filed the written statement denying title of the petitioners for the property as early as in the year 2016, the application filed by the petitioners in the year 2022, seeking for relief of declaration would also be hit by the Limitation Act and therefore, the amendment sought for is also barred by limitation. Hence he prays that the order impugned does not suffer from infirmity and seeking dismissal of the Civil Revision Petition.



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4. This Court has considered the submissions made by the learned counsel for the petitioners and the learned counsel for the respondents.

5. It is an admitted case that the petitioner has instituted a suit for bare injunction against the respondent. It is not disputed by the petitioner that the written statement was filed by the respondent as early as in the year 2016. It is also not disputed by the petitioner that in the said written statement, the respondents have denied the title of the petitioner. As per schedule to Article 58 of the Limitation Act, three years period of limitation for filing a suit for declaration from the date on which the cause of action had arisen. In the present case, as rightly held by the Court below, the cause of action for filing a suit for declaration arose to the petitioner on the date when the written statement was filed i.e., on 02.06.2016. The present amendment seeking for declaration of title is beyond the period of three years as provided under the Limitation Act. Hence I do not find any infirmity in the orders impugned herein.



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6. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

10.09.2025

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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To

- 1.The Principal District Munsif Court, Kuzhithurai.
- 2.The Section Officer, VR Section,  
Madurai Bench of Madras High Court, Madurai.



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**K.KUMARESH BABU, J.**

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ORDER  
IN  
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