



C.R.P.(PD)(MD)No.347 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.347 of 2020

and

C.M.P.(MD)No.1955 of 2020

1.M.K.V.Senthilkumar
2.S.Maheswari

... Petitioners

Vs.

1.K.Velusamy (died)
2.Valliammal
3.Murugesh
4.Balasubramanian

... Respondents

*[R2 to R4 are impleaded as LR's of the deceased
first respondent vide order dated 24.07.2025]*

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed in I.A.No.1 of 2019 in O.S.No.244 of 2018 dated 25.09.2019 on the file of the Principal District Munsif Court, Tirunelveli.

For Petitioners : Mr.H.Arumugam
For R1 to R3 : Mr.R.J.Kartchick



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ORDER

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This Civil Revision Petition is filed challenging the order passed in I.A.No.1 of 2019 in O.S.No.244 of 2018 dated 25.09.2019 on the file of the Principal District Munsif Court, Tirunelveli.

2.The petitioners are the defendants in the suit in O.S.No.244 of 2018, filed by the respondent/plaintiff for declaration to declare the settlement deed executed by the first defendant in favour of the second defendant as null and void and consequential prayer for injunction. During the pendency of the suit, the respondent/plaintiff filed an application under Order VI Rule 17 of CPC for amending the prayer for declaration to declare that the suit property is exclusively belonged to the respondent/plaintiff and the same was allowed by the trial Court. Challenging the same, the present revision petition is filed by the petitioners/defendants.

3.The learned counsel for the petitioners/defendants submits that the amendment application filed by the respondent/plaintiff cannot be entertained since it will change the entire cause of auction. However, the trial Court without any observations, has simply allowed the amendment application. Hence, he prays for appropriate order.



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4.The learned counsel for the respondent / plaintiff submits that initially the suit was filed as against the petitioners/defendants for declaration to declare the settlement deed executed by the first petitioner in favour of the second petitioner as null and void. The petitioners filed the written statement stating that the subject property is exclusively belonged to them and denying the title of the respondent/plaintiff. Thereby, the respondent filed an application to declare that the suit property is exclusively belonged to him. Further, the application filed by the petitioner for amendment is not barred by limitation. The trial Court after considering all these issues has allowed the application filed by the petitioner and the same need not be interfered.

5.Heard the rival submissions made on either side and perused the materials placed on record.

6.Admittedly, the suit was filed in the year 2018 and the application seeking amendment of plaint was filed by the respondents in the year 2019. Article 58 of the Limitation Act prescribes three years period from the date of filing of the suit to file an application seeking amendment of plaint. Accordingly, the application filed by the respondent/plaintiff is not hit by limitation. Though the learned counsel for the petitioners raised the plea of



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jurisdiction, the petitioners can very well canvass the same before the trial Court at the time of trial. Therefore, this Court is not inclined to interfere with the order passed by the trial Court.

7. Accordingly, this Civil Revision Petition is dismissed with liberty to the petitioner to canvass all those issues before the trial Court at the time of trial. No costs. Consequently, connected miscellaneous petition is closed.

24.07.2025

Index : Yes/No
Internet : Yes / No
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To

1. The Principal District Munsif Court,
Tirunelveli.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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