



C.R..P.(PD)(MD).No.640 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.640 of 2021
and
C.M.P.(MD)No.3485 of 2021

Muthammal

... Petitioner

Vs.

Vinolia

... Respondent

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to revise and set aside the order dated 27.01.2020 passed in I.A.No.1 of 2019 in A.S.No.31 of 2018 pending before the Sub Court, Sankarankoil.

For Petitioner : Mr.S.Ramesh Alias Ramiah
For Respondent : Mr.F.X.Eugene

ORDER

This Civil Revision Petition is filed seeking to set aside the order dated 27.01.2020 passed in I.A.No.1 of 2019 in A.S.No.31 of 2018 on the file of the Sub Court, Sankarankoil.



C.R..P.(PD)(MD).No.640 of 2021

WEB COPY

2.The petitioner is the defendant in O.S.No.196 of 2016 filed by the respondent/plaintiff for permanent injunction. In the said suit, the petitioner filed written statement on 12.12.2016. The said suit was dismissed on 01.08.2018. As against the decree and judgement, the respondent preferred an appeal in A.S.No.31 of 2018. During the pendency of the appeal, the respondent/plaintiff filed an application in I.A.No.1 of 2019 seeking to amend the plaint including the prayer for declaration to declare that the suit property belongs to the plaintiff. The said application was allowed. challenging the same, the petitioner/defendant has filed this Civil Revision Petition.

3.The learned counsel for the petitioner would submit that initially, the respondent/plaintiff claims the relief of permanent injunction in O.S.No.76 of 2016. In that suit, the petitioner/defendant filed written statement on 12.12.2016 stating that the sale deed obtained by the respondent is threat and coercion and the said sale deed is not valid in the eye of law. Even at that point, the respondent could have very well taken steps to amend the prayer. However, without taking any steps to amend the prayer at that time, in the appeal stage, the respondent has filed the application for amending the prayer and same is not proper.



C.R..P.(PD)(MD).No.640 of 2021

WEB COPY

4.Per contra, the learned counsel for the respondent submit that the respondent/plaintiff has purchased the property by way of a registered sale deed dated 15.04.2013. Inadvertently, the suit was filed in the year 2016 for injunction without the declaratory relief. Hence, he filed the application seeking amendment within the time limit prescribed under the Limitation Act. Hence, the order of the trial Court need no interference.

5.Heard the learned counsel appearing on either side and perused the materials placed on record.

6.Admittedly, the plaintiff filed the suit for injunction in the year 2016. The said suit was decreed and as against the said decree, an appeal was filed and the same is pending. At this point of time, the plaintiff filed an application to amend the prayer of the plaint by including declaratory relief. Admittedly, the cause of action arose in the year 2016. The petitioner filed an application for amending the prayer in the year 2019. Therefore, the application for amendment that was filed by the plaintiff is not barred by limitation. Hence, the order of the trial Court allowing the amendment would not operate to cause any prejudice to the defendant/ petitioner.



C.R..P.(PD)(MD).No.640 of 2021

WEB COPY

5. Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

12.06.2025

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

To

1. The Sub Court, Sankarankovil.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R..P.(PD)(MD).No.640 of 2021

M.DHANDAPANI,J.

ta

C.R.P.(PD)(MD)No.640 of 2021

12.06.2025