



C.R.P.(PD)(MD)No.569 of 2025

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.569 of 2025

and

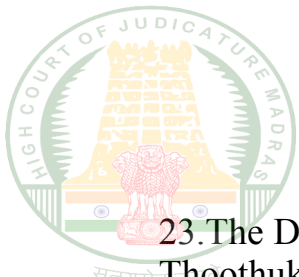
C.M.P(MD)No.3102 of 2025

A.Mohammed Ussain

...Petitioner/Petitioner/Plaintiff

- 1.S.Katheeja Banu
- 2.Habiba
- 3.K.Fathima
- 4.Abdul Hameed
- 5.Mohammed Fathima
- 6.Sabura
- 7.M.Alima
- 8.Mumthaj
- 9.S.Fathima
- 10.Rammisha
- 11.Abdul Kareem
- 12.Sirajudeen
- 13.K.Fathima
- 14.Maideen Pillai
- 15.Abdul Kadar
- 16.Umar Kaththap
- 17.Basheer Ahamed
- 18.Ummugalthoom
- 19.Jainummbu
- 20.Mariam Beevi
- 21.M.Alima

22.The Thasildar,
Srivaikundam,
Srivaikundam Taluk,
Tuticorin District.



C.R.P.(PD)(MD)No.569 of 2025

23. The District Collector,
Thoothukudi District.

(R4, R10 & R11 are respondents

set ex-parte before the trial Court)

...Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, challenging the fair and decreetal order passed in I.A.No.4 of 2024 in O.S.No.151 of 2023, dated 29.01.2025 on the file of the Sub Court, Srivaikundam.

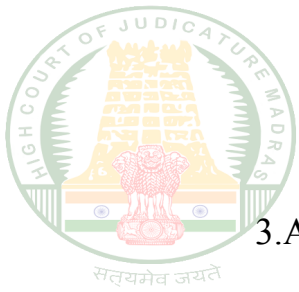
For Petitioner : Mr.N.Marimuthu

* * * * *

ORDER

The plaintiff in O.S.No.151 of 2023, on the file of the Sub Court, Srivaikundam, is the revision petitioner herein.

2.The above said suit had been filed for the relief of permanent injunction restraining the defendants from in any way interfering with the peaceful possession and enjoyment of the suit schedule properties. When the suit was posted for arguments, the plaintiff had filed I.A.No.4 of 2024 seeking to amend the prayer in the plaint so as to incorporate a prayer for declaration of title on the ground that the 18th defendant has disputed the title during his deposition. This application came to be dismissed by the trial Court. Challenging the same, the present application has been filed.



C.R.P.(PD)(MD)No.569 of 2025

3. According to the learned Counsel appearing for the revision petitioner, though the defendants have not disputed the title in the written statement, the 18th defendant during his deposition, had disputed the title of the plaintiff and therefore, the plaintiff was constrained to file the present application.

4. A perusal of the order of the trial Court reveals that the trial Court has specifically recorded the findings that the defendants have not claimed any rival right to the suit schedule property and they have been contesting the suit all along under the impression that it is a bare injunction suit.

5. In view of the fact that the defendants are not making a rival claim, the questioning of seeking to include the prayer for declaration of title at the far end of the proceedings does not arise.

6. With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

25.02.2025

Internet: Yes/No
Index: Yes/No
RJR



C.R.P.(PD)(MD)No.569 of 2025

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To

1.The learned Judge,
The Sub Court, Srivaikundam.

2.The Thasildar,
Srivaikundam,
Srivaikundam Taluk,
Tuticorin District.

3.The District Collector,
Thoothukudi District.

Copy to:-

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



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C.R.P.(PD)(MD)No.569 of 2025

R.VIJAYAKUMAR, J.

RJR

C.R.P.(PD)(MD)No.569 of 2025

25.02.2025