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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1132 of 2025

and

C.M.P(MD)No.6098 of 2025

Ekambaram

...Petitioner/Petitioner/Appellant/1st Defendant

Vs.

Athimamunivar Samudhaya Trust,
Rep. by its Trustees

1.S.Govindaswamy
2.P.Annadurai

...Respondents/Respondents/Respondents/Plaintiffs

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the fair and order decreetal order in I.A.No.11 of 2025 in A.S.No.125 of 2023, passed by learned Additional District and Sessions Judge (Fast Track Court), Kanyakumari at Nagercoil, dated 25.02.2025, and set aside the same by the allowing the civil revision petition.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.S.Vashik Ali

* * * * *



ORDER

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The appellant/first defendant in A.S.No.125 of 2023, on the file of the Additional District and Sessions Court(Fast Track Court), Kanyakumari at Nagercoil, has filed the present revision petition challenging the dismissal of his application seeking amendment of the grounds of first appeal.

2.The respondents herein have filed the above said suit for the relief of declaration of title, recovery of possession and the declaration that certain documents are not valid in the eye of law. The suit was decreed as prayed for. Challenging the same, the first defendant has filed A.S.No.125 of 2023. Pending first appeal, the first defendant has filed I.A.No.11 of 2025, under Order 41 Rules 2 and 3 of C.P.C. seeking leave of the Court to amend the memorandum of appeal for incorporating additional grounds. The said application was dismissed. Challenging the same, the present revision petition has been filed.

3.According to the learned Counsel appearing for the revision petitioner, some other tenants of the Trust have already been conferred with the tenancy rights in other proceedings. Therefore, he would like to rely upon the judgment in connected proceedings. In such view of the matter, these two additional grounds have to be raised in the memorandum of grounds of appeal.



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4.Per contra, the learned Counsel appearing for the respondents has contended that grounds can be raised only attacking the findings of the trial Court. The grounds now raised have nothing to do with the findings rendered by the trial Court. In such circumstances, the first appellate Court has rightly rejected the request of the revision petitioner for raising additional grounds.

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

6.As pointed out by the learned Counsel appearing for the respondents, the present additional grounds do not relate to any one of the findings of the trial Court. However, they relate to the findings rendered in the connected proceedings which the first defendant wants to take advantage of it. The first defendant seeks similar relief in his favour relying upon the order passed in the connected proceedings. In such circumstances, the question of amending the grounds of appeal would not arise. However, the first defendant is at liberty to produce these documents before the first appellate Court in the manner known to law.



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

09.04.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned Additional District and Sessions Judge,
(Fast Track Court), Kanyakumari at Nagercoil.

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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