



C.R.P.(PD)(MD)No.945 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.945 of 2022

and

CMP(MD)No.3748 of 2022

1.Ammayappan

2.Chandra. A

3.Chellappa. P

... Petitioners

Vs

S.Subbiah

... Respondent

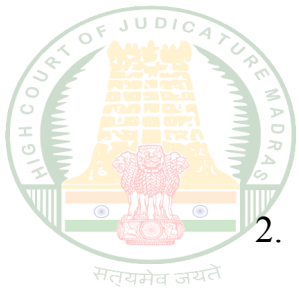
PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order passed by the Additional District Munsif, Tenkasi in I.A.No.3 of 2021 in O.S.No.236 of 2016 with cost.

For Petitioners : Mr.R.Ramasamy

For Respondent : Mr.R.Mathavaselvam

ORDER

This revision petition has been filed challenging the order passed by the Additional District Munsif, Tenkasi in I.A.No.3 of 2021 in O.S.No.236 of 2016.

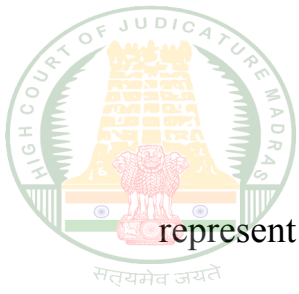


C.R.P.(PD)(MD)No.945 of 2022

2. The learned counsel for the petitioners would submit that the petitioners are the defendants in the suit in O.S.No.236 of 2016. The respondent filed the above suit for declaration declared that the suit property belongs to him and for consequential reliefs. During the pendency of the suit the respondent/plaintiff filed I.A.No.3 of 2021 under Order VI Rule 17 for amendment of the prayer to declare the sale deed dated 01.07.2015 executed by the first defendant in favour of the 2 and 3rd defendants null and void and the said IA was allowed. Challenging the same, the present revision petition has been filed.

3. The learned counsel for the petitioners would submit that admittedly the suit was filed in the year 2016 and the written statement filed on Nil. 12.2016. Necessarily the respondent has to file amendment petition within a period of three years from the date of knowledge and the knowledge of the respondent/ plaintiff is Nil.12.2016 they ought to have file amendment petition on or before December, 2019 whereas the amendment petition was filed in the year of 2020 beyond the period of limitation as per Article 56 of the Limitation Act. On the sole ground, the present revision petition has been filed.

4. The learned counsel for the respondent reported no instructions and he would submit that the respondent died and legal heirs are not come forward to



C.R.P.(PD)(MD)No.945 of 2022

represent the respondent and hence, he reported no instructions.

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5. Heard the learned counsel for the petitioners and perused the materials available on record.

6. The facts of the present case is not disputed. The deceased respondent/plaintiff filed amendment petition under Order VI Rule 17 to amend the prayer and the amendment petition was allowed in his favour. However whether the amendment prayer is contrary to the Limitation Act. It is the issue before the trial Court which has to be decided at the time of trial. Hence, the order of the trial Court not be interfered with. However, liberty is given to the petitioners to raise limitation issue before the trial Court in the manner known to law.

7. With the above observation, this Civil Revision Petition is dismissed.
No Costs. Consequently, connected miscellaneous petition is closed.

08.07.2025

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
P JL



C.R.P.(PD)(MD)No.945 of 2022

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To

1.The Additional District Munsif,
Tenkasi.

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



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C.R.P.(PD)(MD)No.945 of 2022



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C.R.P.(PD)(MD)No.945 of 2022

M.DHANDAPANI, J.

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C.R.P.(PD)(MD)No.945 of 2022

08.07.2025