



C.R..P.(PD)(MD).No.1173 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.1173 of 2025

and

C.M.P(MD) No.6292 of 2025

1. P.Krishnamoorthy
S/o. R.Pandi,
Secretary,
Amutham Foundation Trust,
Kanavaipatti, Batlagundu,
Residing at Door No.17 – 16- 12 B,
Building Society Colony,
K.K.Nagar, Batlagundu Town,
Nilakkottai Taluk,
Dindigul District.

2. T.Kayalvizhi,
D/o. Thangamuthu
W/o. B.Krishnamoorthi
Assistant Correspondent
Amutham Foundation Trust,
First Step School
Kanavaipatti, Batlagundu,
Residing at Door No.17 – 16- 12 B,
Building Society Colony,
K.K.Nagar, Batlagundu Town,
Nilakkottai Taluk,
Dindigul District.

... Petitioners/Respondents 2 & 3
Defendants 2 and 3



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Vs.

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1. Vijayakumar
Vice President Cum Managing Trustee,
Amutham Foundation Trust,
First Step Public School,
Kanavaipatti, Batlagundu,
Dindigul District.

2. Naveen Nagendra Sasikumar
Treasurer,
Amutham Foundation Trust,
Kanavaipatti, Batlagundu,
Dindigul District.

... Respondent1 and 2/
Petitioners/
Plaintiffs

M.Thangamuthu (Died)

T.Thangakathiravan (Died)

T.Kowsalya (Died)

3. N.Senthilnathan

4. G.Sakthivel

5. S.Silkkendar Khan

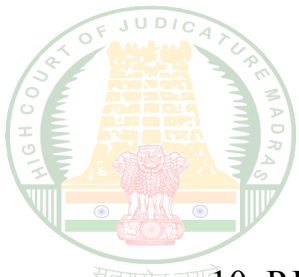
6. A.R.Ilayaraja

7. P. Chidhambaram

8. M.Ganesan

9. S.Senthilkumari

2/8



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10. P.Umamaheswari

11. J.Nithya

12. S.Santhini

13. S.Vigneshshree

14. J.Jeya

15. A.Jeyagar

16. B.P.Rajendran

17. Lathapandi

... Respondents 3 to 17/
Respondents 6 to 20/
Defendants 6 to 20

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.22 of 2025 in O.S.No.77 of 2018 on the file of the District Munsif Court, Nilakkottai, dated 17.03.2025 and to allow the Civil Revision Petition.

For Petitioners : Mr.C.Vakeeswaran

For R1 and R2 : Mr.R.Singaravelan
Senior Counsel
for Mr.D.Selvanayagam



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ORDER

The defendants 2 and 3 in O.S.No.77 of 2018 on the file of the District Munsif Court, Nilakkottai, have filed the present Civil Revision Petition challenging the order passed by the trial Court allowing the plaintiffs to amend the prayer in the suit to incorporate a resolution dated 23.06.2024.

2. A perusal of the original plaint prayer reveals that the suit has been filed for the relief of permanent injunction restraining the defendants from in any way interfering with the administration of the Trust or the School for a period of three years, based upon the resolution dated 27.06.2021. Since three years period have already expired, another resolution has been passed on 23.06.2024 renewing for a further period of three years. In order to incorporate the said resolution in the prayer, the present application has been filed. The trial Court has proceeded to allow the said application. Challenging the same the present Civil Revision Petition has been filed.

3. According to the learned counsel appearing for the revision petitioners, the suit was originally filed in O.S.No.6 of 2016, relying upon the



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resolution dated 05.07.2015. Later it was amended incorporating the resolution dated 27.06.2021. Now, they want to incorporate the resolution dated 23.06.2024. Even though, the suit has become infructuous, by amending the plaint prayer, the plaintiffs are attempting to revive the cause of action. Since a second application has been filed for amendment, the same should not have been allowed.

4. Per contra, the learned Senior Counsel appearing for the respondents 1 and 2/Plaintiffs had contended that the defendants have filed an independent suit in O.S.No.31 of 2016 seeking declaration and for a permanent injunction challenging these resolutions. Both the suits are tried together. The learned Senior Counsel also relied upon the judgment of this Court in C.R.P(MD) Nos.841 and 842 of 2024, dated 08.07.2024 and contended that this Court was pleased to confirm the order of amendment when the resolution dated 27.06.2021 was sought to be incorporated. Since the suit is pending for more than three years, every time, as per the statutory mandate they have to pass fresh resolution. In such circumstances, the amendment becomes necessary. Therefore, the trial Court has rightly allowed the amendment.



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

6. It could be seen from the records that the plaintiffs have filed a suit based upon the resolution dated 27.06.2021. Since the period of three years has expired, a fresh resolution has been passed on 23.06.2024. The plaintiffs filed the amendment application to incorporate the new resolution.

7. Considering the fact that the amendment has not changed the cause of action, the trial Court has rightly allowed the said application. In case, if any amendment application is filed by the defendants herein in O.S.No.31 of 2016 as a consequence to this amendment, the same shall not be objected to by the plaintiffs in the present suit. The trial Court is directed to dispose of the suit in O.S.No.77 of 2018 on or before **31.10.2025**.



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8. With the above said observations, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

15.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 17.04.2025

To

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



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R.VIJAYAKUMAR,J.

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