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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)Nos.1554 & 1555 of 2025
and
C.M.P.(MD)Nos.7949 & 7950 of 2025

Raja Maruthaiah (died)

1.Valambal
2.Seethalakshmi
3.Balraj
4.Govindaraj ... Petitioners in both petitions

Vs.

The Executive Officer,
Poovalur Town Panchayat,
Poovalur Village,
Lalgudi Taluk,
Tiruchirappalli District. ... Respondent in both petitions

COMMON PRAYER: Civil Revision Petitions - filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 28.02.2025 passed in I.A.Nos.8 and 9 of 2024 in O.S.No.82 of 2013 by the learned District Munsif Court, Lalgudi.

In both petitions:

For Petitioners : Mr.J.M.Arvind Pawlraj

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For Respondent : Mr.B.Saravanan
Additional Government Pleader

COMMON ORDER

These Civil Revision Petitions are filed seeking to set aside the fair and decreetal order dated 28.02.2025 passed in I.A.Nos.8 and 9 of 2024 in O.S.No.82 of 2013 by the learned District Munsif Court, Lalgudi.

2.Mr.B.Saravanan, learned Additional Government Pleader, takes notice for the respondents.

3.The petitioners are the plaintiff in the suit filed for permanent injunction in O.S.No.83 of 2013. During the pendency of the suit, the petitioners filed an application in I.A.No.112 of 2017 for amending the prayer from injunction to declaration. The said petition was allowed on 03.11.2022 and the suit prayer was modified as if the suit is filed for declaration to declare the vacant site available in Survey No.123/2k and Survey No.123/2j adjacent to the petitioners' property in Survey No.312/2 belonged to the plaintiff and injunction. Thereafter, the petitioners filed applications under

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Order 6 Rule 17 and Section 151 of CPC seeking to amend the extent of the suit property. The said petitions were dismissed. Challenging the same, the present Civil Revision Petition is filed.

4.The learned counsel for the petitioners submits that though the petitioners filed an application to amend the payer in the year 2017, they failed to mention the extent of the property. Therefore, he filed the applications seeking to amend the said extent. However, the said applications were dismissed by the trial Court and the same is not sustainable. According to him, by amending the extent of the property, no prejudice would be caused to anyone. Accordingly, he prayed for appropriate orders.

5.The learned Additional Government Pleader appearing for the respondent produced 'A' Register before this Court. It reveals that Survey No.123/2k belonged to the respondent Town Panchayat, in which the petitioners have no right. Further, the amendment was sought after a lapse of one decade, which is impermissible one and there is no error in the order passed by the trial Court.

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

7.The facts in the present case are not in dispute. Initially, the petitioners filed a suit only for injunction in the year 2013. Thereafter, he filed an interlocutory application in I.A.No.112 of 2017 seeking to amend the prayer. Since the cause of action arose in the year 2013 and considering the point of limitation, the said application was allowed. Now, nearly after a decade, the petitioners filed applications seeking to amend the extent of the property. All these aspects were rightly appreciated by the trial Court and the applications filed by the petitioners to amend the extent of the property were dismissed. Hence, the order of the trial Court need not be interfered with. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

12.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1.The District Munsif Court, Lalgudi.

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

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M.DHANDAPANI,J.

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