



**C.R.P.(MD)No.1442 of 2021**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 10.07.2025**

**CORAM**

**THE HON'BLE MR. JUSTICE M.DHANDAPANI**

**C.R.P.[PD].(MD)No.1442 of 2021**

**and**

**C.M.P.(MD)No.8089 of 2021**

Sathi Sree

... Petitioner

Vs.

1.Thankappan Pillai  
2.Lekshmi Amma  
3.Aneesh alias Murugan  
4.Anand

... Respondents

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside fair and decreetal order dated 22.07.2021 passed in I.A.No.22 of 2018 in O.S.No.164 of 2010 on the file of the District Munsif Court, Eraniel.

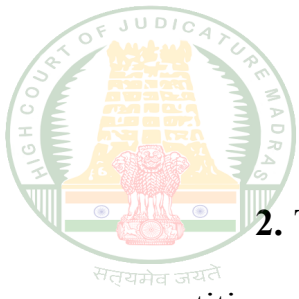
For Petitioner : Mr.M.P.Senthil

For R1 : Mr.V.Meenakshi Sundaram

For R2 & R3 : No appearance

**ORDER**

This petition has been filed seeking to set aside fair and decreetal order dated 22.07.2021 passed in I.A.No.22 of 2018 in O.S.No.164 of 2010 on the file of the District Munsif Court, Eraniel.



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2. The learned counsel appearing for the petitioner would submit that the petitioner is the plaintiff in the suit in O.S.No.164 of 2010. She filed a suit for demarcation of the property and injunction. In the suit, the petitioner filed I.A.No.22 of 2018 under Order VI, Rule XVII seeking to amend the prayer for declaration of title. The said application was dismissed by the trial Court on the ground that the petition is filed beyond the period of three years. Challenging the same, the petitioner has filed the present Civil Revision Petition.

3. The learned counsel for the petitioner further submitted that this Court may direct the trial Court to allow the amendment petition, however, with regard to the limitation issue, left open to the petitioner as well as the respondents/defendants to raise the same before the trial Court at the time of filing petition whether the declaration sought for by the petitioner is bared by limitation or not in terms of Article 58 of the Limitation Act.

4. The learned counsel appearing for the respondents have no serious objections for allowing this Civil Revision Petition.

5. In view of the above facts and circumstances, the Civil Revision Petition is disposed of directing the trial Court to allow the amendment petition.



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However, with regard to the limitation seeking declaratory relief, issue has to be framed before the trial Court whether such amendment for declaration is hit by limitation or not and liberty is granted to the respondents/defendants to file additional written statement to that effect and the trial Court is directed to dispose of the suit by framing issues with regard to the limitation.

6. With the above terms, the Civil Revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**10.07.2025**

Internet: Yes/No

Index: Yes/No

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To

- 1.The District Munsif Court,  
Eraniel.
- 2.The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**M.DHANDAPANI, J.**

am

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**10.07.2025**