



C.R.P.(PD)(MD).No.1515 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1515 of 2021
and
C.M.P.(MD)No.8313 of 2021

R.Duraichamy

... Petitioner

Vs.

1.S.Suriyakumar
2.S.Shanthi

... Respondents

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to call for the records pertaining to the order passed in I.A.No.419 of 2021 dated 14.09.2021 in O.S.No.249 of 2020 on the file of the Sub Court, Usilampatti, Madurai and set aside the same.

For Petitioner	: Mr.S.Ayyanar Prem Kumar
For R1	: Mr.A.Rahul
For R2	: No Appearance

ORDER

This Civil Revision Petition is filed challenging the order passed in I.A.No.419 of 2021 dated 14.09.2021 in O.S.No.249 of 2020 on the file of the Sub Court, Usilampatti, Madurai



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2.The petitioner filed a suit for declaration in O.S.No.249 of 2020.

Thereafter, he realized that the consequential relief of permanent injunction was not sought in the suit. Thereby, he filed an interlocutory application in I.A.No.419 of 2021 seeking to amend the consequential prayer of permanent injunction. The same was dismissed. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submits that admittedly, the petitioner filed a suit for declaration to declare that in the suit property, an extent of 2.86 ½ acre belonged to the petitioner and declare the property to an extent of the 73 ½ cents as common pathway. Subsequently, he filed an amendment application to amend the prayer with the consequential relief of permanent injunction and the same was dismissed for the simple reason that there is no pleadings to the effect that there is any attempt to interfere with their possession of the suit property. The same is not sustainable. Hence, he prays for appropriate orders.



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4.Per contra, the learned counsel for the first respondent submits that without any pleadings, no consequential relief was sought by the petitioner. The trial Court has rightly appreciated the issue and dismissed the application filed by the petitioner and the same need not be interfered.

5.Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the materials placed on record.

6.Admittedly, the petitioner filed a suit for declaration in the year 2020 and he filed an application seeking amendment of prayer only for a consequential injunction in the year 2021. It is not in dispute that the application filed by the petitioner for amendment is not hit by limitation. While that being so, the order of rejection passed by the trial Court merely on the ground that no pleadings with regard to the relief of injunction have been made by the petitioner in the suit and the same is not appropriate.



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7. Accordingly, the order passed by the trial Court in I.A.No.419 of 2021 dated 14.09.2021 is set aside and the interlocutory application is allowed. The trial Court is directed to make necessary amendment in the suit prayer as prayed by the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

18.06.2025

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

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

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M.DHANDAPANI,J.

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