



CRP(MD). No.1789 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1789 of 2021
and CMP(MD) No.9609 of 2021**

1. Radhakrishnan,
2. Seenivasan,
3. K.Venkatraman,
4. Chandra Died,
5. Muthumari,
6. Padhamavathi,
7. Maheswari

... Petitioners

Vs

K.Jayanthi

... Respondent

PRAYER :-Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records and set aside the fair and decreetal order dated 17.8.2021 in IA.No.55 of 2020 in As.No.30.2019 on the file of the Sub court Ramanathapuram.



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For Petitioner : Mr.H.Lakshmi Shankar
For Respondent : Mr.J.Bharathan

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 17.8.2021 in IA.No.55 of 2020 in As.No.30.2019 on the file of the Sub court Ramanathapuram.

2. The petitioners' case is that they are the defendants in OS No. 137/2014 on the file of the District Munsif Court, Ramanathapuram. The plaintiff filed the suit for declaration to declare that the pathway belongs to the plaintiff and defendants alone and also for permanent injunction. The said suit was dismissed, against which, the plaintiff preferred an appeal in AS No.30/2019 and the said appeal is pending. Pending appeal, an amendment application was filed under Order VI Rule 17 of the Code of Civil Procedure by the plaintiff/appellant to amend the suit schedule properties. However, the said petition came to be allowed with cost of Rs.4,000/- on the respondent/appellant. Challenging the same, the petitioners are before this Court.



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3. The learned counsel for the petitioners/defendants would submit that the petitioners have raised an issue with regard to limitation. However, the same was not considered and hence, prays that a direction may be issued to the lower appellate Court to consider the issue with regard to limitation as to whether the subsequent amendment made by the respondent/appellant/plaintiff in the schedule of property is hit by limitation or not, at the time of final hearing of the appeal.

4. The learned counsel for the respondent has no serious objection for the aforesaid prayer.

5. I have considered the rival submissions and perused the materials available on record.

6. In view of the aforesaid submission, the Civil Revision Petition is disposed with liberty to the petitioners to raise the limitation issue before the lower appellate Court at the time of hearing of the first appeal. Accordingly, the trial Court is directed to frame the issue under Order XL1 Rule 31 with regard to limitation for amendment and consider the



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issue as to whether the amendment is hit by limitation or not. No costs.

Consequently connected Miscellaneous Petition is closed.

19.06.2025

NCC : Yes/No
Index : Yes/No

RR

TO

1.The Sub Court, Ramanathapuram.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

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**ORDER
IN
CRP(MD) (NPD) No.1789 of 2021**

Date : 19/06/2025