



C.R.P.(MD)No.2035 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2035 of 2025

and

C.M.P.(MD)No.11787 of 2025

1.S.Karthikeyan
2.S.Sathis Kumar

...Petitioners

Vs.

Late.Sakthivel
1.Subramani
2.Indrani
3.Maruthamuthu
4.Meenatchi
5.R.Ganeshan
6.A.Palaniyappa
7.Kaleeshwari

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair order and decretal order dated 18.03.2025 made in I.A.No.1 of 2024 in O.S.No.287/2012 on the file of the Subordinate Court, Vedasandur and allow the above civil revision petition.

For Petitioner : Mr.S.Arunnithy



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ORDER

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This petition has been filed seeking to set aside the fair order and decretal order dated 18.03.2025 made in I.A.No.1 of 2024 in O.S.No.287/2012 on the file of the Sub-Court, Vendasandur and allow the above civil revision petition.

2. The case of the petitioners is that the petitioners filed a suit in O.S.No. 287 of 2012 before the Sub-Court, Vendasandur against the respondents for partition, permanent injunction and for some other relief. The respondents filed a written statement in the year 2014. Later they came to know that one of the property was alienated in the year 1998. Therefore, the petitioners filed an amendment petition in I.A.No.1 of 2024 to declare the sale deed dated 24.04.1998 is null and void in the main plaint. The said application was dismissed on 18.03.2025. Challenging the same, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that admittedly, the suit in O.S.No.287 of 2012 is filed by the petitioners before the Sub-Court, Vendasandur against the respondents for partition, permanent injunction and for some other relief in the year 2012. The respondents filed written statement in the year 2014. After perusing the written statement, the



petitioner came to know that one of the suit property was alienated by one of the defendant prior to the partition suit. The petitioners filed the amendment petition in I.A.No.1 of 2024. However, there was a delay in filing the amendment petition under Order 6 Rule 17 and Section 151 of Code of Civil Procedure, the delay is not only a criteria to reject the petition and it is a continuous cause of action and hence, the order of the trial Court is liable to be interfered with and prays for allowing the Civil Revision Petition.

4. Since no adverse order is going to be passed as against the respondents, notice to the respondents is dispensed with.

5. The petitioners filed a suit for partition in the year 2012 as against the respondents/defendants. The defendants filed written statement in year 2014. In which, the defendants clearly states that the property was alienated on 24.04.1998 in favour of the third party. However, the petitioners knowing very well the fact that the alienation is in the year 1998, they filed the suit without seeking the declaration prayer that the registered document dated 24.04.1998 is null and void. Now, he chosen to file the amendment petition only in the year 2024 after a lapse of 12 years, which is clearly bared by limitation in terms of Article 58-III of the Limitation Act. It may not be continuous cause of action for the simple reason that the petitioner came to know the alienation in the year



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2014 after the written statement. If he is filed an application within the period of 3 years, then it is well within the time, however, he filed an application under Order 6 Rule 17 and Section 151 of Code of Civil Procedure after a lapse of 12 years, which is not sustainable one and that issue was rightly appreciated by the trial Court, which need not be interfered with. The learned Judge exercised his power conferred on him and there is no illegality or irregularity warranting interference by this Court.

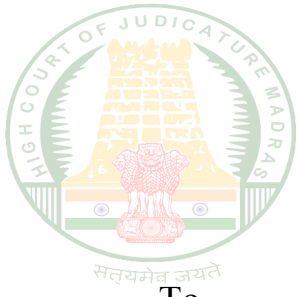
6. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Internet: Yes/No

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Index: Yes/No

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- 1.The Sub- Court, Veda sandur
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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