



C.R.P.(MD)No. 2136 & 2137 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)Nos.2136 & 2137 of 2022

and

C.M.P.(MD)No. 8464 & 9952 of 2022

M.I.Sultan Syed Murdha Khan

...Petitioner in both CRPs.

Vs.

1.Ashika Mariam Beevi

2.Syed Raja Mohamed

3.Ragumathu Nishar

4.Fathima Rahana

M.I.Syed Abubakkar (Died)

5.Sirin Fathima

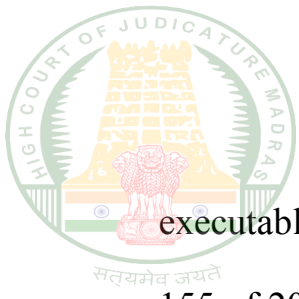
6.Fathima Jumana

7.Mamamootha Beevi

8.Jahira Banu

...Respondents in both CRPS.

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India, praying to pass an order setting aside the fair and



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executable orders dated 10.08.2022 passed in the application in I.A.Nos.153 & 155 of 2022 in O.S.No.16 of 2015, on the file of the Additional District Court, Ramanathapuram and allow the Civil Revision Petitions.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.A.Thayumanaswamy for R1 to 4

No Appearance for R5 to 7

COMMON ORDER

These petitions have been filed seeking to set aside the fair and executable orders dated 10.08.2022 passed in the application in I.A.Nos.153 & 155 of 2022 in O.S.No.16 of 2015, on the file of the Additional District Court, Ramanathapuram.

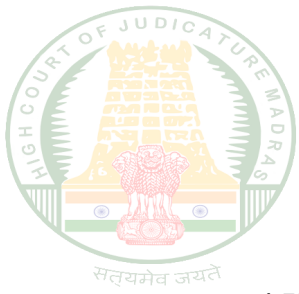
2.Learned Counsel for the petitioner would submit that the petitioner is the defendant in O.S.No.16 of 2015 on the file of the Additional District Court, Ramanathapuram. The said suit was filed by the respondents 1 to 4 / plaintiffs for partition. The suit was filed in the year 2015, whereas the written statement was filed in 2016. At the time of arguments, the respondents / plaintiffs filed I.A.Nos.153 & 155 of 2022, for reopening their evidence under Section 151 of



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CPC and for amendment of the plaint under Order 6 Rule 17 of CPC, by inserting the additional relief to declare the sale deed dated 21.01.2004, settlement deed dated 23.03.2010 and settlement deed dated 14.06.2011 as null and void. However, the said petitions have been filed in the year 2022, whereas the petitioner / defendant filed his written statement in the year 2016, specifically pleading that one M.I.Guvaja Syed Bandhe Navas had executed a settlement deed dated 14.06.2011 and another settlement deed dated 23.03.2010 in favour of the petitioner's brother. Even then, the respondents did not choose to file an amendment petition at the relevant point of time. Thereby, the said petitions have been filed beyond three years and the same is hit by Article 58 of Part III of Limitation Act. Even then, the trial Court has allowed the said I.As. Accordingly, he prays for appropriate orders.

3.Per contra, learned Counsel for the respondents 1 to 4 would submit that the first respondent is a poor widow and she is not aware of all those proceedings and only at the time of arguments, she came to know about those settlement deeds. Thereafter, she filed an amendment petition for amending the prayer seeking to declare those three documents as null and void and the trial Court has passed appropriate orders, which need not be interfered with.



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4. Heard the learned Counsel on either side.

5. The facts in the present case are not in dispute. Admittedly, the suit was filed by the respondents / plaintiffs in the year 2015 and the written statement was filed in the year 2016. It is also an admitted fact that the petitioner has made statements regarding the settlement deeds dated 23.03.2010 and 14.06.2011. Even the plaint itself clearly reveals that as if the petitioner / second defendant and his brother gave liquor to M.I.Guvaja Syed Bandhe Navas and when he was in drunken mood, the defendants created some fraudulent settlement deeds and sale deeds. Such an averment is made in the plaint. Further, the respondents / plaintiffs having knowledge of the averments in the written statement has filed the impugned I.A.Nos.153 & 155 of 2022, after a lapse of three [3] years which is barred by limitation. Moreover, the issue raised herein is a triable issue which cannot be decided in a Civil Revision Petition. Hence, the trial Court has erred in allowed the said I.As and the said orders are set aside.



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6. Accordingly, these Civil Revision Petitions stand allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.08.2025

Internet: Yes/No

Index: Yes/No

MR



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To

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



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M.DHANDAPANI, J.

MR

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