



CRP(MD). No.1878 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1878 of 2021
and CMP(MD) No.10116 of 2021**

Kalidoss

... Petitioner

Vs

Siluvai Anthony,
S/o.Siluvai Nadar,D.No.7/2,
Kambaramanyana Street, Vannarpettai,
Palayamkottai Taluk,Tirunelveli District..

... Respondent

PRAYER :-Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to call for the records relating to fair and decreetal order in I.A.No.1 of 2020 in A.S.42 of 2019 passed by Additional Sub Court, Tirunelveli dated 18-02-2021 and set aside the same.

For Petitioner : Mr.K.P.Narayanakumar
For Respondent : Mr.T.Selvan

ORDER

The Civil Revision Petition is filed fair and decreetal order in I.A.No.1 of 2020 in A.S.42 of 2019 passed by Additional Sub Court, Tirunelveli dated 18-02-2021.



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2. The petitioner's case is that the petitioner is a defendant in OS No.492/2015. The respondent filed the suit for permanent injunction and the suit was dismissed with cost vide judgment and decree dated 11.10.2018 against which the respondent/plaintiff filed an appeal before the lower appellate Court in AS No.42/2019 in which, the respondent/plaintiff filed IA No.1/2020 for amendment of pleadings under Order VI Rules 17 and 18 and Section 151 of the Code of Civil Procedure. The said petition was allowed. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the plaintiff already filed an application before the trial Court for the very same relief, which was returned. However, again, the plaintiff presented the petition for the very same relief in the year 2020 and the same was allowed in the year 2020, which is not sustainable and hence, prays for appropriate orders.



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4. The learned counsel for the respondent, however, would submit that the period of limitation is 12 years for claiming recovery of possession. In the present case, the cause of action arose in the year 2015 and the amendment petition for amendment of pleadings was filed in the year 2020, which is well within the period of limitation and hence, contended that no interference is warranted to the order of the trial Court.

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

6. The fact that the suit was filed for permanent injunction and recovery of possession and the same was dismissed, against which, appeal was filed and pending appeal, the respondent/plaintiff filed a petition in IA No.1/2020 for amendment of pleadings, which was allowed. It is seen that the cause of action arose in the year 2015 and the amendment was filed in the year 2020. The limitation provides for 12 years. In the present case, the application was filed well within the period of limitation of 12 years, ie., within five years. Hence, no prejudice would be caused to the petitioner and the trial Court has rightly



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allowed the petition, which, in the considered view of this Court, does not warrant any interference. Accordingly, the Civil Revision Petition is dismissed. The lower appellate Court is directed to dispose of the appeal suit as expeditiously as possible. No costs. Consequently connected Miscellaneous Petition is closed.

27.06.2025

NCC : Yes/No
Index : Yes/No
RR

TO

1.The Additional Sub Court, Tirunelveli

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.1878 of 2021**

Date : 27/06/2025