



C.R..P.(PD)(MD).No.2010 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.2010 of 2021

and

C.M.P.(MD)No.10793 of 2021

M.Bhavani

...Petitioner

Vs.

1.A.Jagadeesan

2.J.Ramadoss

3.J.Vadivelan

4.J.Panneerselvam

5.G.Paneeswari

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 21.09.2021 in I.A.No. 01 of 2021 in O.S.No.65 of 2016 on the file of the Principal District and Sessions Court, Virudhunagar District.

For Petitioner : Mr.P.Selvakamatchi

For R1, R2 & R4 : Mr.G.Mohan Kumar

For R3 : No Appearance



C.R..P.(PD)(MD).No.2010 of 2021

WEB COPY

ORDER

This Civil Revision Petition is filed challenging the fair and decreetal order dated 21.09.2021 in I.A.No.01 of 2021 in O.S.No.65 of 2016 on the file of the Principal District and Sessions Court, Virudhunagar District.

2.The petitioner is the plaintiff in the suit in O.S.No.65 of 2016 filed for partition as against her father, brothers and sister. During the pendency of the suit, the first defendant, father of the petitioner produced a settlement deed allegedly executed by him in favour of the defendants 3 and 4. Immediately thereafter, the petitioner filed an application in I.A.No.270 of 2018 for producing the settlement deed executed by the first defendant in favour of the third and fourth defendants. The same was allowed and the settlement deed was produced by the defendants before the trial Court. Thereafter, the petitioner filed I.A.No.1 of 2021 for amending the plaint prayer as declaration to declare the settlement deed as null and void under Order 6 Rule 17 and Section 151 of CPC. The said application was rejected. Challenging the same, the present Civil Revision Petition is filed.



C.R..P.(PD)(MD).No.2010 of 2021

WEB COPY

3.The learned counsel for the petitioner would submit that the trial Court dismissed the petitioner's application seeking to amend the prayer on the ground that the said application filed by the petitioner is barred by limitation. The petitioner claims that he does not know about the settlement deed executed by the first defendant in favour of the defendants 3 and 4. The limitation will arise only from the date of knowledge. In the present case, the petitioner recently had known about the settlement deed. Immediately after coming to know about the same, he filed an application to amend the plaint prayer. However, the trial Court has rejected the same on the ground of limitation.

4.Per contra, the learned counsel for the respondent would submit that the suit was filed in the year 2016. The first respondent filed written statement in the year 2017 mentioning about the settlement deed executed in favour of the defendants 3 and 4. The plaintiff without taking any steps to amend the prayer or to seek the relief of declaration for all these years now at the time defense side evidence, has filed the present petition and the same is not maintainable. Hence, the order of the trial Court needs no interference.



C.R..P.(PD)(MD).No.2010 of 2021

WEB COPY

5.Heard the learned counsel appearing on either side and perused the materials placed on record.

6.Article 58 of the Act prescribes that the period of limitation would be reckoned from the date on which the right to sue arose first and the maximum period of limitation allowed is 3 years. In the present case, the suit was filed in the year 2016. Hence, the right to sue arose in the year 2016 itself, however, the amendment application was filed only in the year 2021, nearly after a period of six years. Thus, the action on the part of the petitioner/plaintiff was clearly barred by the law of limitation. The trial Court has rightly appreciated the issue and dismissed the application filed by the petitioner and the same need not be interfered with.

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

23.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ta

4/6



C.R..P.(PD)(MD).No.2010 of 2021

WEB COPY

To

- 1.The Principal District and Sessions Court,
Virudhunagar District.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R..P.(PD)(MD).No.2010 of 2021

M.DHANDAPANI,J.

ta

C.R.P.(PD)(MD)No.2010 of 2021

23.06.2025