



C.R..P.(PD)(MD).No.2012 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.2012 of 2021

and

C.M.P.(MD)No.10801 of 2021

Sonaimuthu

...Petitioner

Vs.

1.The Tahsildhar,
Ramnagar, Devakottai Nagar,
Devakottai Taluk, Sivagangai District.

2.The Revenue Divisional Officer,
Ramnagar, Devakottai Nagar,
Devakottai Taluk, Sivagangai District.

3.The District Collector,
Sivagangai Collectorate,
Sivagangai District.

4.Aandiyappan

5.Meenal

6.Murugeshan

7.Boominathan

8.Muthu

9.Nadarajan

10.Subbukannu

11.Alagu

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12.Kumar
13.Ponnan
14.Senthil
15.Selvam

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decreetal order dated 12.08.2021 made in I.A.No.4 of 2020 in O.S.No.8 of 2017 on the file of the District Munsif, Devakottai set aside the same.

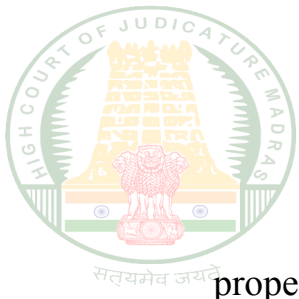
For Petitioner : Mr.J.Anandkumar

For RR4, 5, 10
& 11 : Mr.S.Sadeskumar

ORDER

This Civil Revision Petition is filed Challenging the fair and decreetal order dated 12.08.2021 made in I.A.No.4 of 2020 in O.S.No.8 of 2017 on the file of the District Munsif, Devakottai.

2.The petitioner is the plaintiff in the suit in O.S.No.8 of 2017 filed for injunction as against the respondents. During the pendency of the suit, in the year 2020, after a lapse of three years, the plaintiff filed an amendment petition to amend the prayer for declaration to declare the suit schedule



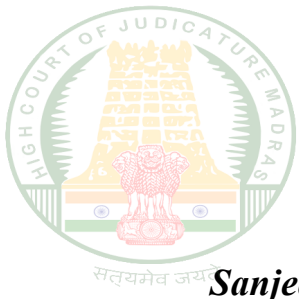
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property belongs to the plaintiff. The said application was dismissed. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submits that admittedly the petitioner/plaintiff is the owner of the suit property, which is classified as Natham and it is the passage to the petitioner's site. The petitioner is having vested interest over the suit property. Thereby, the petitioner filed a suit for injunction as against the private and official respondents. Thereafter, the private defendants filed a written statement claiming title over the suit property. Therefore, the petitioner filed the present application seeking amendment to declare the suit property belongs to the petitioner. However, the said application was dismissed by the trial Court on the ground that the application is barred by limitation.

4.The learned counsel for the petitioner further submits that the amendment should be allowed if the amendment being necessary for the purpose of determining the real questions in controversy between the parties. In support of his submission, he has relied upon the judgment rendered in ***Civil Appeal No.5909 of 2022*** in the case of ***Life Insurance Corporation vs.***



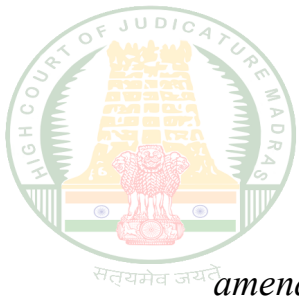
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Sanjeev Builders Private Limited and another, wherein the Hon'ble Supreme Court has held that the power to allow an amendment is undoubtedly wide and may be appropriately exercised at any stage in the interests of justice, notwithstanding the law of limitation. However, citing limitation, the trial Court dismissed the petition and it is not proper.

5.Per contra, the learned counsel for the respondent submitted that the petitioner/plaintiff filed the suit for injunction as against the private respondents. The the petitioner filed the amendment application only after the filing of the written statement by the private respondents. It is settled that amendment after filing of the written statement is not sustainable. Though Order 6 Rule 16 and 17 of CPC is the discretionary power of the trial Court, the same should be exercised in a cautious manner.

6.He would further submit that in the judgment relied upon by the petitioner itself, it has been clearly held that “ *there is no absolute rule that in every case where a relief is barred because of limitation an amendment should not be allowed. Discretion in such cases depends on the facts and circumstances of the case. The jurisdiction to allow or not allow an*



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amendment being discretionary, the same will have to be exercised on a judicious evaluation of the facts and circumstances in which the amendment is sought. If the granting of an amendment really subserves the ultimate cause of justice and avoids further litigation the same should be allowed.”

In the present case, according the defendants, allowing of the amendment application will cause multiplicity of proceedings. Hence, he seeks appropriate orders.

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

8.Admittedly, the property involved in this matter is classified as natham land. Natham land is for the purpose of residential occupation. Occupation of the natham land accrues right in favour of the petitioner. Such right can be decided by the trial Court by way of adducing title deeds and proper evidence. Hence, it is for the plaintiff to prove his right by adducing proper evidence before the trial Court.



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9.Further, as per Article 58 of the Limitation Act, three years limitation period is there and that the period of limitation would be reckoned from the date on which the right to sue arose first. Admittedly, the petitioner filed the suit during the year 2017 and the amendment application was filed in the year 2020, which is beyond the period of limitation. In view of the factual situation, the amendment petition was rightly dismissed by the trial Court and the same need not be interfered. Accordingly, this 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
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To

- 1.The District Munsif, Devakottai.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI,J.

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