



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.2027 of 2021

and

C.M.P.(MD)No.10838 of 2021

Palaniyandi Cheittiar

..Petitioner

Vs.

1.K.Laila

2.S.Sheeba

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records relating to the fair and decreetal order dated 19.02.2020 made in I.A.No.1 of 2019 in O.S.No.389 of 2011 on the file of the learned Principal District Munsif, Dindigul to set aside the same and consequently allow the present Civil Revision Petition.

For Petitioner

: Mr.J.Anandkumar

For R-1

: Mr.S.Sarvagan Prabhu



For R-2

: Unserved

ORDER

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This Civil Revision Petition has been filed seeking orders to set aside the fair and decreetal order dated 19.02.2020 made in I.A.No.1 of 2019 in O.S.No. 389 of 2011 on the file of the learned Principal District Munsif, Dindigul.

2. The petitioner filed a suit in O.S.No.389 of 2011 before the learned Principal District Munsif, Dindigul, seeking permanent injunction restraining the respondents and their men from interfering with the peaceful possession and enjoyment of the suit property. Subsequently, the petitioner came to know that the respondents were disputing his title to the property. Hence, the petitioner filed an interlocutory application in I.A.No.1 of 2019 under Order VI Rule 17 of CPC seeking to amend the plaint prayer to include a declaration of title. However, the said application was dismissed by the trial Court. Aggrieved by the same, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the proposed amendment does not change the cause of action. As per Order VI Rule 17 CPC, the Court may permit amendment at any stage of the proceedings to determine the real question in controversy between the parties. He contended that the amendment sought is only to clarify the issues involved and does not

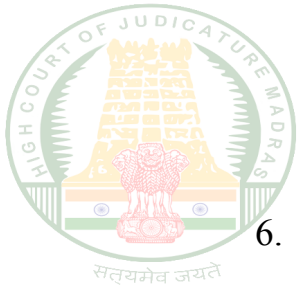


cause any prejudice to the respondents. Therefore, he prays for allowing the petition.

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4. Per contra, the learned counsel appearing for the first respondent would submit that the suit was filed in the year 2011 and the written statement disputing the petitioner's title was filed as early as 21.11.2011. As per Section 58 read with Article 58 of the Limitation Act, 1963, the limitation period for seeking declaratory relief is three years from the date when the right to sue accrues. The present amendment application was filed after a lapse of nine years, which is barred by limitation. The trial Court rightly appreciated this legal position and rejected the amendment petition, and therefore, no interference is warranted by this Court. He further submitted that the petitioners themselves had pleaded before the trial Court that the property had already been sold to third parties. With such admitted knowledge, the petitioner ought to have filed a declaration suit or sought the amendment at the relevant time. Filing the amendment belatedly, after several years, is not only impermissible but also prejudicial to the rights already accrued to the respondents. Therefore, he prays for dismissal of this petition.

5. In view of the above discussions, this Court is of the considered view that the order passed by the trial Court does not warrant any interference. The application seeking amendment of the plaint filed after a delay of nine years is clearly barred by limitation and is rightly rejected by the trial Court.



6. In view of the above, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

25.06.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The Principal District Munsif, Dindigul.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

TSG

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