



C.R.P.(MD)No.1469 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1469 of 2021

and

C.M.P.(MD)No.8178 of 2021

Siva

...Petitioner

Vs.

1.Chinna Adaikkan
2.Adaikkammal
3.Nallammal
4.Mala
5.Pandian
6.Vijaya
7.Karpagam
8.Pothumponnu
9.Selvi

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 12.12.2017 passed in I.A.No.1231 of 2017 in O.S.No.469 of 2014, on the file of the Principal District Munsif Court, Dindigul.



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For Petitioner : Mr.M.P.Senthil
For Respondent No.1 : Mr.T.Antony Arulraj
For Respondents 2 to 9 : Dispensed with

ORDER

This petition has been filed seeking to set aside the order dated 12.12.2017 passed in I.A.No.1231 of 2017 in O.S.No.469 of 2014, on the file of the Principal District Munsif Court, Dindigul.

2.Learned Counsel for the petitioner would submit that the petitioner is the 9th defendant in O.S.No.469 of 2014, on the file of the Principal District Munsif Court, Dindigul. The first respondent / plaintiff filed a suit for declaration and permanent injunction and during the pendency of the suit the first respondent / plaintiff also filed an application under Order 6 Rule 17, to amend the prayer for recovery of possession and the same was allowed by this Court. Challenging the same, this Civil Revision Petition has been filed.

3.Learned Counsel for the petitioner would submit that admittedly, suit schedule property is adjacent to the odai and the same does not form part of the suit schedule property. It is a different property. Therefore, recovery of possession as sought for by the first respondent is not at all sustainable. For the



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said purpose, the petitioner vehemently opposed for the same. The same was not considered by the trial Court and the trial Court allowed the application for amendment.

4. Admittedly, the amendment of pleadings does not affect the limitation issues, within a period of three [3] years. The amendment now sought for is a pre-trial amendment. Hence, the said amendment of pleadings does not affect the limitation. Amendment of pleadings is not prejudicial to the petitioner. Recovery of possession is a matter for trial which cannot be adjudicated in the amendment petition. Hence, the order passed by the trial Court is sustained.

5. Accordingly, this Civil Revision Petition stands dismissed. However, it is open to the petitioner to raise the issue at the time of trial. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

23.06.2025

Internet: Yes/No

Index: Yes/No

MR



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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.

MR

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