



C.R.P(MD)No.2425 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.09.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2425 of 2025
and
C.M.P(MD)No.14573 of 2025

Soosai Amaladas

... Petitioner/Petitioner/
Plaintiff

Vs.

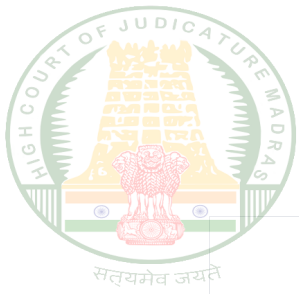
1.Nirmalamary
2.Priya

...Respondents/Respondents
Defendants 1 & 2

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decreetal order dated 06.08.2025 passed in I.A.No.7 of 2025 in O.S.No. 56 of 2018 on the file of the District Munsif Court, Keeranur and allow this civil revision petition.

For Petitioner : Mr.B.Prahalad Ravi

ORDER



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The present civil revision petition has been filed against the interlocutory order passed by the court below refusing to grant the relief of amendment of the plaint.

2. The learned counsel for the petitioner submits that the petitioner had originally filed the suit seeking permanent injunction restraining the defendant, his men and agents from evicting the plaintiff in any manner from the suit property except under due process of law.

3. However, after the filing of the suit, it came to his knowledge that the first respondent had sold the property in favour of the second respondent. Therefore, the petitioner filed the present application seeking amendment of the plaint to challenge the sale deed executed by the first respondent in favour of the second respondent and also seeking a declaration to sell the suit property to the petitioner under pre-emption rights to purchase the suit property.

4. He would submit that the Court below had erroneously rejected the amendment application as being time barred. He vehemently contents that the issue of limitation is a mixed question of law and fact and that the amendment should have been allowed and the respondents are



permitted to contest the said amendment petition by way of filing an additional written statement and only after framing necessary issues in that regard should have come to such a conclusion and therefore, he submits that the order impugned suffers from material error and is in violation of law in that regard. Therefore, he prays this Court to set aside the order.

5. A perusal of the plaint in O.S.No.56 of 2018 indicates that the petitioner had admitted the relationship between himself and the first respondent as being tenant and landlord. On 02.06.2018, the respondents had threatened the petitioner to vacate the suit schedule property and therefore he had filed the present suit for restraining the respondents from evicting the petitioner without following the due process of law.

6. A written statement was filed by the first respondent specifically averring that she had executed a sale deed in favour of the proposed second respondent. The said written statement had been filed by the first respondent as early as on 05.12.2018 as recorded by the Court below. The said factum has not been disputed by the petitioner.



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7. Having knowledge of the sale deed as early as in the year 2018,

no reasons have been attributed by the petitioner as to why there was a delay in filing the amendment application. Furthermore, the prayer for pre-emption was always available at the time of filing the suit which right the petitioner had not exercised. By filing an amendment after 7 years, the petitioner is trying only to protract the proceedings in the suit of which he do not have any title, as admitted even in his plaint that he is the tenant under the first respondent.

8. For the aforesaid findings and reasons, this court is not inclined to entertain this civil revision petition. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The District Munsif Court,
Keeranur.



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

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K.KUMARESH BABU,J.

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