



C.R.P(MD)No.347 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2025**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.347 of 2025

and

C.M.P(MD)No.1992 of 2025

1.Sunderraj

2.Damodaran

... Petitioners/Petitioners/
Plaintiffs

Vs.

1.Devaraj

2.Usharani

3.Thenmozhi

4.The Tahsildar,
Theni Taluk,
Theni District.

5.The District Collector,
Theni District,
Theni.

... Respondents/ Respondents/
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and ex-order, dated 24.09.2024



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made in I.A.No.4 of 2023 in O.S.No.311 of 2020 on the file of the Sub Court, Theni.

For Petitioners : Mr.M.Karuppasamy Pandian

For R1 & R2 : Mr.M.A.M.Raja

For R4 & R5 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

The present revision petition has been filed by the plaintiffs in O.S.No.311 of 2020 on the file of Sub Court, Theni challenging the dismissal of their application filed under Order VI Rule 17 of Code of Civil Procedure.

2. The revision petitioners herein as plaintiffs had filed the above said suit for the relief of partition and permanent injunction. Pending suit, the plaintiffs have filed I.A.No.4 of 2023 under Order VI Rule 17 of C.P.C. to incorporate a prayer for a declaration to declare two settlement deeds, dated 08.01.2018 as null and void. This application was resisted by the defendants on the ground that such a prayer is time barred.



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Accepting the said defence, the trial Court has rejected the amendment application. Challenging the same, the present revision petition has been filed.

3. According to the learned counsel appearing for the revision petitioners, the documents came to the knowledge of the plaintiffs only on 07.09.2020 and the application seeking amendment of the plaint has been presented on 13.09.2023 and there is just a delay of 4/5 days in filing the amendment application. Therefore, such a delay should not be taken seriously by the Court and the Court should have entertained the amendment application.

4. A perusal of the plaint averments reveals that, in Paragraph No. 8 of the plaint, the plaintiffs have specifically contended that, on 08.01.2018, two settlement deeds have been executed which came to their knowledge on 07.09.2020. A perusal of the records further reveal that the present amendment application has been filed only on 13.09.2023. Therefore, it is clearly beyond a period of three years from the date of knowledge of the plaintiffs. In such circumstances, the trial



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Court has rightly rejected the application for amendment of plaint on the ground that it is barred by limitation. Since there is no dispute with regard to the date of knowledge or date of filing of the amendment application, the same cannot be relegated to trial. In such circumstances, there are no merits in the revision petition.

5. Hence, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

12.02.2025

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

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To

- 1.The Sub Court,
Theni.
- 2.The Tahsildar,
Theni Taluk,
Theni District.

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3.The District Collector,
Theni District,
Theni.

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



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R.VIJAYAKUMAR ,J.

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