



CRP(MD). Nos.2685 & 2686 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON 06.10.2025	PRONOUNCED ON 24.11.2025
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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). Nos.2685 & 2686 of 2025

and

CMP(MD)No.15821 of 2025

1.Vellathai
2.Balamurugan ... Petitioners in both CRPs.,

Vs.

1.Pushpam
2.Ayyanar
3.Karpagam @ Karpagavalli
4.Petchiammal
5.Vadivu @ Sudalai Vadivu
6.Kumararaja
7.Karuppasamy
8.Murugan
9.Periyasamy
10.Subbaiah Naickar @ Subburaj
11.Ramasamy
12.Kunjara Thevar
13.Velsamy
14.Muthupandi
15.Irulappa Thevar
16.Savarimuthu



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17.Ashok Mohan

18.M/s.Sulabha Ventures Pvt Ltd.,
No.34, First floor, D Bens Officer Colony,
Ekkaduthankal, Chennai
Rep., through its agent,
Ashok Mohan

19.Gurusamy

20.Ravikumar

21.Rajasekaran

22.The Sub-Registrar,
Sub-Registrar Office,
Kadampur, Kovilpatti Taluk,
Tuticorin District.

23.The Chief Engineer,
Tamil Nadu Electricity Board,
Non Conversional Energy (NECS),
Chennai.

24.The Executive Engineer,
Tamil Nadu Electricity Board,
Non Conversional Energy (NECS),
Chennai.

25.The Superintending Engineer,
Tamil Nadu Electricity Board,
Non Conversional Energy (NECS),
Tirunelveli.

... Respondents

(Respondents 1 to 18 and 22 to 25 were set parte, hence notice on them may be dispensed with)

PRAYER in CRP(MD).No. 2685 of 2025 :- Civil Revision Petition filed



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under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.2 of 2025 in O.S.No.148 of 2018, dated 01.08.2025 on the file of the District Munsif Court, Kovilpatti.

PRAYER in CRP(MD).No.2686 of 2025 :- Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.3 of 2025 in O.S.No.148 of 2018, dated 01.08.2025 on the file of the District Munsif Court, Kovilpatti.

For Petitioner : Mr.H.Arumugam

COMMON ORDER

This Civil Revision Petitions had been filed against the fair and decreetal order passed in I.A.Nos.2 & 3 of 2025 in O.S.No.148 of 2018, dated 01.08.2025 on the file of the District Munsif Court, Kovilpatti.

2. The learned counsel appearing for the petitioners would submit that the petitioners have filed a suit seeking for declaration of sale deeds executed by the defendants 1 to 5 in favour of defendants 17 to 21 as being null and void and for an injunction restraining the defendants 17 to 21 from making any construction in the Suit property thereby changing



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the use of the land and also restraining the respondents defendants 17 to 21 from alienating the suit schedule properties and for permanent injunction restraining the defendants 23 to 25 from granting any electricity service connection for erecting wind mill in the suit schedule property.

3. In the said suit, it had come to the knowledge of the petitioners that the defendants have also sold certain of the suit properties, which was decreed in favour of the petitioners in a previous suit. Hence, to take out necessary amendment to also include the relief of declaration of title and recovery of possession was made along with the application to reopen the case as the trial in the Suit was concluded and posted for arguments.

4. He would further submit that if such relief is also sought for, the Court below would not have pecuniary jurisdiction to decide the issue and would have to be transferred to some other Court, which is having jurisdiction to decide the issue. Without considering the rightful claim of the petitioner, the Court below had dismissed the application by holding



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that such an application to amend would also be time barred. He would submit that it has been repeatedly held by the Apex Court that the question of limitation is a mixed question of law and facts and therefore, rejection of the petitioner's claim is wholly unlawful, arbitrary denying the rights of the petitioners. He had also relied upon the judgment of the Hon'ble Apex Court to contend that the issue of limitation is an mixed question of law and facts. Hence, he seeks indulgence of this Court to interfere with the orders impugned in these revisions. He had also relied upon a judgment of the learned Single Judge of this Court to contend that the mere fact that the Court will not have a jurisdiction, cannot be a reason to dismiss the amendment application.

5. I have considered submissions made by the learned counsel appearing for the petitioner and perused the materials placed on record.

6. The Court below had held that apart from holding that the amendment made may vary the jurisdiction of the Court, had also on the merits of the application after giving a finding that the petitioners themselves have admitted that even before the 15 years, they had



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knowledge of the said conveyances and also taking into consideration that the defendants right from begining had been contesting Suit that without any recovery of possession, the suit itself is not maintainable and the plaintiff under the knowledge of such contest particularly to an admitted fact that the defendants have been in possession even as early as in the year 2008, had held that the amendment that is now sought for recovery of possession, is hit by the provisions of the limitation Act. The petitioners having accepted that they had the knowledge of the sale of the property by the defendants 1 to 5 even 15 years back and also admitted that the purchasers are in possession of the property, had not sought for the relief of recovery of possession and has brought out an application for amendment after the trial had been concluded and the suit posted for arguments. Hence, on the basis of the admission even at the time of filing the suit, the amendment is clearly barred by law of limitation seeking for recovery of possession.

7. This Court is of the view that the plaint had been cleverly drafted in such a way to exclude a relief which would be barred by limitation and the present attempt is only to bring new cause of action



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which is also barred by law of limitation, that too, at the stage when the Suit itself had been posted for arguments.

8. For the aforesaid reasons, I do not find any infirmity with the orders impugned herein.

9. In fine, the Civil Revision Petitions fail and accordingly are dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous petition is closed.

24.11.2025

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

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

2.The Principal District Court, Madurai

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K.KUMARESH BABU,J.

Pbn

Pre-Delivery Order in
CRP(MD). Nos.2685 & 2686 of 2025
and
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