



C.R..P.(PD)(MD).No.1634 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1634 of 2025

and

C.M.P.(MD)No.8480 of 2025

Duraipandi

... Petitioner

Vs.

1.Athipathi Alagappan

2.Vasanth

3.Kannan

4.Venkatakrishnan

5.Suriyanarayanan

... Respondents

PRAYER: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to call for the records and set aside the fair and decreetal order passed by the Sub Court, Melur in I.A.No.03 of 2023 in A.S.No.62 of 2019 dated 20.06.2024.

For Petitioner : Mr.M.Rajeshwari

for Mr.APN Law Associates



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ORDER

This Civil Revision Petition is filed seeking to set aside the order passed by the Sub Court, Melur in I.A.No.03 of 2023 in A.S.No.62 of 019 dated 20.06.2024.

2.Since no adverse order is going to be passed as against the respondents, notice to the respondents is dispensed with.

3.The petitioner is the plaintiff in a suit filed for permanent injunction in O.S.No.109 of 2007 on the file of the District Munsif Court, Melur and the same was dismissed on 05.10.2017. As against which, the petitioner preferred an appeal before the Lower Appellate Court in A.S.No.62 of 2019. During the pendency of the appeal, the petitioner filed an application in I.A.No.3 of 2023 seeking to amend the prayer as declaration instead of injunction. The said petition was dismissed. Challenging the same, the present Civil Revision Petition is filed.



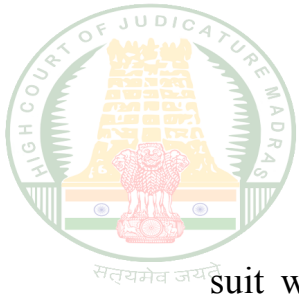
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4.The learned counsel for the petitioner would submit that the petitioner initially filed the suit for injunction. Later the petitioner realized that instead of declaration suit, he filed the suit for injunction. In order to rectify the said defect, the petitioner filed an amendment application under Order 6 Rule 17 and Section 151 of CPC. He would further submit that the amendment will not change the nature of the suit. However, the said application was dismissed.

5.The facts in the present case are not in dispute. Admittedly the petitioner filed a suit for permanent injunction in O.S.No.109 of 2007 on the file of the District Munsif Court, Melur and the said suit was dismissed on 05.10.2017. Challenging the same, an appeal was also preferred in A.S.No.62 of 2019. At this point of time, the petitioner filed an application seeking to amend the prayer of the plaint in the year 2023, nearly after a lapse of 15 years from the date of filing of the suit.

6.It is also to be noted that to amend the suit plaint, the prescribed time limit under the Limitation Act is only three years from the date of cause of action. In the present case, the cause of action arose in the year 2003 and the



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suit was filed in the year 2007. Whereas the amendment petition is filed nearly after two decades. The said issue was rightly appreciated by the trial Court and the application filed by the petitioner seeking amendment of the plaint was rightly dismissed. Hence, this Court is of the view that the order of the trial Court need not be interfered with. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.06.2025

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

- 1.The Sub Court, Melur.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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