



CRP(MD). No.3027 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24/10/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

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and

CMP(MD)No.17127 of 2025

1. A.Sengaithevar,
- 2.N.Muthuraja
3. A.Raman,
4. A.Ramachandran,
5. Muthammal,
- M.Pandi (Died)
6. M.Bose,
7. M.Uthayan,
8. M.Sekar,
9. Amirtham,
10. Rajathi,
11. Pitchaimani,



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12. Jeya,

13. Balamurugan

... Petitioners

Vs

1. K.Sengai

S.Muniyandi (Died)

Kalungayee (Died)

2. Karuppayee,

3. Jeyapal Vellaidurai,

4. R.Rajkumar,

5. V.Padamanabhan,

6. Selvasundari,

7. R.Ramesh Kumar,

8. Dhanabalan,

9. Chandra,

10. Pappathi,

11. Pitchaiammal,

12. Muthupandi,

13. Dhanalakshmi,

14. M.Ramachandran

... Respondents

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PRAYER :-

Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the Ex order and Fair Order dated 03.09.2025 in IA No. 17 of 2025 in OS No.339 of 2019 on the file of the Learned Subordinate Judge, Manamadurai and allow the above Civil Revision Petition.

For Petitioner : M/s.R.Ganesan,
Advocate.

For Respondents : Mr.S.Chandrasekaran

ORDER

This Civil Revision Petition is filed to set aside the Ex-order and Fair Order dated 03.09.2025 in IA No.17 of 2025 in OS No.339 of 2019 on the file of the Learned Subordinate Judge, Manamadurai.

2. Learned counsel for the petitioner would submit that the petitioners had originally filed a suit for a relief of partition and that during the course of preparation of arguments, it came to the knowledge that under Ex.D3, there has been a settlement deed executed in favour of the ninth defendant and therefore they taken out an application had to seek an amendment to the plaint by including a relief of declaration that the said settlement as also the sale deed of the year 2000 to be null and



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void. The said application had been dismissed by the Court below by holding that the relief sought for, is hit by the limitation Act. He would submit that such a finding given by the Court below would have to be interfered with by this Court as the issue of limitation is a mixed question of law and fact and the same could be adjudicated by framing necessary issues and that the application filed by the petitioner ought not to have been rejected on the ground of limitation. Hence, he seeks this Court's indulgence in the order impugned herein.

3. I have considered the submissions made by the learned counsel on either side.

4. A suit for partition had been instituted as early as in the year 2006. The settlement deed and the sale deed which have been sought to be challenged by way of amendment, had been relied upon in the written statement filed by the eighth defendant as early as on 21.11.2014 and D.W.1 in his chief on 25.09.2018 had filed the deed of settlement as Ex.D3. The only reason attributed by the petitioners is that only during the preparation of the case for arguments they have been advised to file



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an application to seek amendment. A limitation to challenge a document as per the schedule to the Limitation Act, would be only three years and the same starts from which the cause of action arises. As rightly held by the Court below, the said documents had been relied upon in a written statement filed by the eighth defendant as early in the year 2014 and the same has also been marked as Ex.D3 through D.W.2 on 25.09.2018, filing of an application in the year 2025, only would indicate that the same had not been made within the said period of three years, even if it is from the date of knowledge of the petitioner.

5. For the above reasons, I do not find any infirmity in the order impugned in this Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

24.10.2025

NCC : yes / no
Index : yes / no
Internet : yes /no

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K.KUMARESH BABU, J.

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To

1. The Subordinate Judge, Manamadurai.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
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and
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