



CRP(MD). No.3052 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 27/10/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.3052 of 2025

and

CMP(MD)No.17213 of 2025

Anthony (Died)

1.Arulappan,

2. Amulmary,

3. Annamary,

4. Sebastiammal,

5. Santhiyagu,

... Petitioners

Vs

Velanganni (Died)

1.Joseph,

2. Jesuraj,

3. Kulanthaitherasa,

4. Samimuthu,

5. Visuvasam,

1/6



CRP(MD). No.3052 of 2025

6. Aruljoseph,

7. Arockiyamary

... Respondents

PRAYER :-

Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the fair and decreetal order dated 14.07.2025 made in I.A. NO. 15 of 2024 in O.S.No. 31 of 2009 on the file of the Principal District Munsif Court, Manapparai, Trichy District and allow the above Civil Revision Petition.

For Petitioner : Mr. B.Prahalad Ravi,
Advocate.

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 14.07.2025 made in I.A. NO. 15 of 2024 in O.S.No. 31 of 2009 on the file of the Principal District Munsif Court, Manapparai, Trichy District.

2. Learned counsel for the petitioners would submit that the petitioners had filed a suit for declaration, mandatory injunction as against the respondents, in which an advocate commissioner was



CRP(MD). No.3052 of 2025

appointed. Learned Advocate Commissioner had filed a report indicating that the respondents have put up a terrace house constructed in the suit property during the year 2010-2014 and immediately on coming to know about the same, the petitioners had taken out an application seeking for an amendment for recovery of possession. The Court below without considering the claim of the petitioners which is supported by the advocate commissioner's report had dismissed the petition to amendment. Therefore, he seeks indulgence of this Court in the order impugned herein.

3. I have considered the submission made by the learned counsel for the petitioner and also perused the materials available on record.

4. A suit had been filed in the year 2009, seeking for declaration, permanent injunction and for a mandatory injunction to remove the constructions put up by the respondents. An advocate commissioner had been appointed and he had filed a report as early as in the year 2010 indicating the constructions put up by the respondents. Without taking any steps, to make necessary amendments for recovery of possession, the



CRP(MD). No.3052 of 2025

petitioners had attempted to amend the suit by filing an application in the year 2024 that is after 14 years of filing of the report by the advocate commissioner. A perusal of the affidavits filed in support of the application would also indicate that it is the claim of the petitioner that during the pendency of the suit, the respondents have illegally and highly trespassed into the suit property and had put up further construction in the same. The petitioners had not pleaded the dates on which the respondents have trespassed into the suit property and had put up a construction. On the contrary, the advocate commissioner's report filed as early as in the year 2010 indicates that the respondents have put up a permanent construction in the suit schedule property. Section 6 of the Specific Relief Act envisages that when a person has been dispossessed from the property, a suit for recovery of such possession would have to be filed within a period of six months from the date of such dispossession. When the petitioners had admittedly indicated that during the pendency of the suit, the respondents have dispossessed the petitioners without giving any date, this Court is of the view that the claim for recovery of possession is also taken up belatedly.



CRP(MD). No.3052 of 2025

5. For the above said reasons, this Court do not find any merits in this Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

27.10.2025

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

pnn

To

1. The Principal District Munsif, Manapparai, Trichy District.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRP(MD). No.3052 of 2025

K.KUMARESH BABU,J

pnn

ORDER
IN
CRP(MD). No.3052 of 2025
and
CMP(MD)No.17213 of 2025

Date : 27/10/2025