



C.R.P.No.894 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.894 of 2024

and

C.M.P.No.4452 of 2024

1.Isabella

2.Anni Sheeba

3.Anitha

.... Petitioners

Vs

1.The General Manager,
Indian Bank, Chennai
The Head Quarters,
Avvai Shanmugam Salai,
Chennai.

2.The Zonal Manager,
Zonal Office,
Thiruvarur.

3.The Branch Manager,
Indian Bank,
Magathana Street,
Myiladuthurai.

4.Malavizhi

.... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decreetal order passed in I.A.No.6 of 2023 in O.S.No.239 of 2018 on the file of the Principal District Munsif, Myiladuthurai, vide order dated 23.01.2024.



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For Petitioners : Mr.Ram Pranav M.N.R
For Respondents : Mr.V.Subramani

ORDER

This Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioners seeking amendment of the plaint.

2. The petitioners herein claiming themselves as wife and children of one John Gonasalves filed a suit seeking mandatory injunction against the third respondent that the amount payable towards the retirement benefits of John Gonasalves shall not be paid to anybody except the plaintiffs. When the above suit was pending, the plaintiffs filed an instant amendment application seeking to include a prayer for declaration that the disbursal of the retirement benefits by the third defendant in favour of the fourth defendant is not valid and consequently, for mandatory injunction directing the fourth defendant to redeposit the said amount with the third defendant. The said amendment application was dismissed by the Trial Court. Aggrieved by the same, the petitioners have come before this Court.

3. It is the specific case of the petitioners that pending suit, the third defendant disbursed the retirement benefits in favour of the fourth defendant. Therefore, the petitioners were constrained to file the

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amendment application, as earlier relief sought for by them had become improper.

4. A perusal of the typed set of papers would indicate that based on the nomination submitted by the John Gonasalves, the third defendant disbursed the retirement benefits in favour of the fourth defendant on 10.08.2018, 24.08.2018, 11.09.2018 and 20.10.2018 and the same was mentioned in the written statement filed by 3rd respondent before the Trial Court on 30.04.2019. However, the instant application seeking amendment of plaint was filed by the petitioners only during August 2023 and therefore, the prayers sought to be included in the plaint are beyond the period of limitation. Though the petitioners had acquired knowledge of the disbursal in favour of the fourth defendant in the year 2019 itself, the petitioners failed to file necessary application for amendment of the plaint to include the prayers within the period of limitation. Therefore, the Trial Court rightly dismissed the application. I do not find any irregularity or illegality in the order passed by the trial Court. Accordingly, the present Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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S.SOUNTHAR.J.

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To
The Principal District Munsif,
Myiladuthurai

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and
C.M.P.No.4452 of 2024

27.01.2026