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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CRP No. 1526 of 2024

CNR:{HCMA010640642024}

and

CMP No. 8225 of 2024

P.N.Ramasamy
S/o. Nallaiya Gounder
D.No.6/4, Usha Kadu
Paraiyakattampalayam
Agaram Village, Tiruchengode Taluk
Namakkal District

Petitioner

Vs

1. S.Kavin
   S/o.Sengottuvel
   Vattapulikadu, Marappampalayam
   Iluppili Village, Tiruchengode Taluk
   Namakkal District

2. S.Ranjith
   S/o.Sengottuvel
   Vattapulikadu, Marappampalayam
   Iluppili Village, Tiruchengode Taluk
   Namakkal District

3. K.Sengottuvel
   S/o.Kandasamy
   Marappampalayam, Iluppili Village
   Tiruchengode Taluk
   Namakkal District

4. Thangammal
   W/o.K.Sengottuvel

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Marappampalayam, Iluppili Village
Tiruchengode Taluk
Namakkal District

5. M.Mahesh
S/o.Muthusamy
D.No.2/3, Kozhikalnatham
O.Rajapalayam Post
Tiruchengode Taluk
Namakkal District

6. P.K.Palanisamy
S/o.Kulandaivelu
D.No.4/43, Pallipatti
Kumaramangalam Post
Tiruchengode Taluk
Namakkal District

Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 13.02.2024 made in I.A.No.9 of 2023 in O.S.No.56 of 2016 on the file of the learned Additional District Munsif Court, Tiruchengode.

For Petitioner: Mr.R.T.Vishnu

For Respondents: Mr.R.Marudhachalamurthy for R1 & R2
R3 to R6- Sd - No appearance

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This civil revision petition has been filed under Article 227 of the Constitution of India against the fair and decretal order dated 13.02.2024 passed in I.A.No.9 of 2023 in O.S.No.56 of 2016 on the file of the learned Additional District Munsif Court, Tiruchengode, wherein the application filed by the respondents 1 & 2/plaintiffs under Order VI, Rule 17 of the Civil Procedure Code came to be allowed by the Court below.

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2. Heard the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the respondents 1 & 2 and have carefully perused the materials available on record.

3. The respondents 1 & 2 are the plaintiffs, who filed the suit in O.S.No.56 of 2016 seeking for the relief of declaration to declare that the sale deed dated 11.08.2010 is null and void and not binding on the plaintiffs and for other consequential reliefs.

4. The defendants filed a written statement and took a very specific stand that the relief sought for by the plaintiffs is not sustainable and that the plaintiffs ought to have sought for the relief of cancellation of the document, since they were parties to the sale deed dated 11.08.2010.

5. The plaintiffs filed I.A.No.7 of 2022 seeking for certain amendments to the plaint and it was allowed by the Court below by an order dated 13.12.2022, whereby they impleaded the 4th and 5th defendants in the suit.

6. The second amendment application came to be filed in I.A.No.9 of 2023 and the following amendments were sought for by the plaintiffs:-

“1) தாவாவின் பிராது பத்தி 6-ன் இறுதியில் உள்ள "declaration to declare the” என்ற வார்த்தையை

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நீக்கிவிட்டு, அந்த இடத்தில்"Cancellation of" பிராது என்ற வார்த்தையை சேர்க்க வேண்டும்.

2) தாவாவின் 8-வது பத்தியில் நீதிமன்ற மதிப்பீட்டை கீழ்கண்டவாறு திருத்தம் செய்ய வேண்டும்.

8. Total value of the suit for the purpose of Court fees and Jurisdiction is Rs.99,000-00 என்று உள்ளதில் Rs.99,000-00 என்பதை நீக்கிவிட்டு அந்த இடத்தில் Rs. 14,51,000-00 என்று சேர்க்கவும்.

Total value of the suit property is Rs.1,47,000,00 என்று உள்ளதை நீக்கிவிட்டு அந்த இடத்தில் Rs.14,50,000-00 என்று சேர்க்கவும்.

Value of the plaintiffs 2/3rd share in the suit property is Rs.98,000-00 என்று உள்ளதில் Rs. 98,000-00 நீக்கிவிட்டு அந்த இடத்தில் Rs.9,66,667 என்று சேர்க்கவும்.

Court fees paid U/Sec. 37(2) of T.N.C.F (Amendment) Act, 2002 is Rs.100-00

The value of the relief of Declaration is Rs.1,000-00 என்று உள்ளதை நீக்கிவிட்டு அந்த இடத்தில்

The value of the relief of cancellation of sale deed dated 11.08.2010 is Rs.14,50,000 என்று சேர்க்கவும்.

Court fees paid U/Sec.25 (d) of T.N.C.F (Amendment) Act is Rs.75-50 என்று உள்ளதை நீக்கிவிட்டு அந்த இடத்தில்

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Court fees paid U/Sec.40 of T.N.C.F (Amendment) Act is Rs.43,500 என்று சேர்க்கவும்.

Total value of the suit is Rs. 99,000-00 என்று உள்ளதை நீக்கிவிட்டு அந்த இடத்தில Rs.14,51,000-00 என்று சேர்க்கவும்.

Total Court fees paid is 175-50 என்று உள்ளதை நீக்கிவிட்டு அந்த இடத்தில Rs.43,675-50 என்று சேர்க்கவும்.

3) தாவாவின் 9-வது பத்தியில் உள்ள "d. Declare that the sale deed dated 11.08.2010 registered in the office of Sub-Registrar, Tiruchengode as Document No.7600/2010 as null and void and not binding the plaintiffs and" என்பதை நீக்கிவிட்டு பின்வருவனத்தை சேர்க்கவும் "d.Cancellation of sale deed dated 11.08.2010 registered in the office of Sub-Registrar, Tiruchengode as Document No.7600/2010 and"

7. The above application was opposed by the defendants on the ground that the relief sought for cancellation of the sale deed dated 11.08.2010 is barred by limitation and hence the Court below cannot allow the said amendment sought for by the plaintiffs.

8. The Court below vide impugned order dated 13.02.2024 allowed the

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amendment and aggrieved by the same, the present civil revision petition has been filed before this Court.

9. In the case at hand, the plaintiffs have filed the suit in the year 2016 by questioning the sale deed dated 11.08.2010 only on the ground that they were minors at the time of execution of the sale deed and after they attained majority and came to know of the same, the suit was filed in the year 2016. Immediately after the defendants entered appearance, written statement was filed in the year 2016 by taking a very specific stand that the relief of declaration sought for by the plaintiffs is not sustainable, since they were parties to the document and that they ought to have sought for the relief of cancellation of the document and valued the same under Section 40 of the Tamil Nadu Court Fees and Suits Valuation Act. For some reason, the plaintiffs did not take steps to amend the plaint.

10. The contention on the side of the petitioner is that the original relief was valued under Section 25(d) of the Tamil Nadu Court Fees and Suits Valuation Act and whereas the present relief sought for cancellation of the document has to be valued under Section 40 of the Tamil Nadu Court Fees and Suits Valuation Act and this amendment has been sought for after nearly eight years after the filing of the present suit and therefore, even if knowledge is

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taken into consideration, it is barred, since the stand was taken by the defendants in the year 2016 and whereas the present application came to be filed in the year 2023.

11. In the considered view of this Court, when an amendment is sought for by the plaintiffs, the Court has to see if the relief sought for through the amendment is within the period of limitation. If the amendment sought for goes beyond limitation, such an amendment can never be allowed. Useful reference can be made to the judgment of the Apex Court in the case of *Asian Hotels (North) Limited v. Alok Kumar Lodha and others, (2022) 8 SCC 145*.

12. The Court below has merely allowed the application on the ground that no prejudice will be caused to the defendants, without going into the issue as to whether the very relief sought for cancellation of the document is within the period of limitation. In view of the same, the order passed by the Court below suffers from perversity warranting interference of this Court and accordingly, the same is hereby set aside.

13. In the result, this civil revision petition is allowed. There shall be a direction to the learned Additional District Munsif, Tiruchengode to dispose of the suit in O.S.No.56 of 2016 within a period of three months from the date of

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receipt of a copy of this order. Consequently, the connected civil miscellaneous petition is closed. No costs.

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

ss

To

1. The Additional District Munsif
   Tiruchengode

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N.ANAND
VENKATESH J.

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