



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE Mr.JUSTICE K.KUMARESH BABU

CRP No. 2629 of 2022

AND

CMP No.13519 of 2022

1. A.Thangavel
2. T. Kanagambal

..Petitioner(s)

Vs

1. K.A.Venkatesan
2. Sundararajan
- Chinnammal (Died)
- Madheswaran (Died)
- Sivalingam (Died)
3. Rajendran
4. Sampath
5. Chidambaram
6. Senthilkumar
7. Srinivasan
8. Sudha
9. Gururajan
- 10.Selvan
- 11.Palanisamy
- 12.Rajeswari



13.Rasu @ Subramaniam

14.Balu

15.The State rep. by
The District collector
District Collector Office, Erode District.

16.The Tashildar
Bhavani Town, Bhavani, Erode District.

17.Loganathan

18.Paramasivam

19.Jaganathan

20.Bhuvaneswari

21.Minor.Sathish

22.Minor.Nirmal
(Minors RR 21 & 22 rep. by the next friend
Guardian Mother) Bhuvaneswari

23.Vijayalakshmi

24.Padmavathi

25.Sulochana

26.Sarasammal

..Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India praying to pass an order to set aside the order made in IA.No.3 of 2021 on the file of Principal District Munsif Court, Bhavani dated 17.03.2022 in OS.No. 222 of 2006 on the file of Principal District Munsif Court, Bhavani.



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CRP No. 2629 of



For Petitioner(s): Mr.B.Mohan
For RR13 & 14 : Mr.V.Anandhamoorthy
For RR15&16: Mr.A.Anandan, Government Advocate
For RR1 to 5, 10 to 12, 19, 20 to 24 & 26: No appearance
RR6 to 9, 17, 18 & 25 Not ready in notice

ORDER

This Civil Revision Petition had been filed challenging an order by which an application to amend the plaint had been dismissed by the trial Court as being barred by the law of limitation.

2. Heard Mr.B.Mohan, learned counsel for the petitioners and Mr.V.Anandhamoorthy, learned counsel for the respondents 13 and 14 and perused the materials available on record.

3.The petitioners have initially filed a suit to remove the entries made during resurvey of the properties from the Revenue records. An application had been filed in a suit filed in the year 2006, to rectify certain survey numbers and extent in the suit schedule properties and a prayer for declaration that the suit properties belong to the plaintiffs have been made with consequential amendments to the valuation of the suit and the court fees in that regard.



4. A reading of the affidavit filed in support of the said application did not disclose any reasons whatsoever as to why the said amendment was not sought for immediately on filing of the written statement by the defendants which was made as early as in the year 2007. The 8th defendant had filed written statement as early as in the year 2007, disputing title to the properties of the petitioners. When such a defence had been taken, it is for the petitioners to take necessary steps to protect their interest in the properties, by taking out necessary amendments to the suit.

5. In that context, it would be useful to refer to the judgment of the Apex Court in the case of ***Kewal Krishnan vs. Rajesh Kumar and Others (AIR 2022 5164)***, wherein, the Apex Court had held that the claim for declaration as sought to be amended is barred by the law of limitation. In the present case, the limitation to seek declaration that the properties belong to the plaintiff begins from the day, when the contesting defendants had disputed the title by filing a written statement and the written statement in the present case has been filed in the year 2007 and taking into consideration of the said date, the period of limitation would start kicking in from the day on which date the written statement had been filed and therefore, the present amendment application filed after 14 years of filing the written statement, is clearly barred by law of limitation.



6. For the aforesaid reasons, this Court did not find any infirmity in the Civil Revision Petition warranting interference by this Court and accordingly, the same stands dismissed. No costs. Connected C.M.P. is closed.

25-03-2026

Index: Yes/No

Neutral Citation: Yes/No

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CRP No. 2629 of



K.KUMARESH BABU, J.

gya

CRP No. 2629 of 2022

25-03-2026