



WEB COPY

CRP No. 3185 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 17-02-2026**

CORAM

**THE HON'BLE MR.JUSTICE S. SOUNTHAR**

**CRP No. 3185 of 2025 and**

**CMP No.17716 of 2025**

Muniyappan

S/o. Pallikudathan @ Kaverigoundar, No.5/1353,  
TAMS Colony, Elakkiyampatti,  
Dharmapuri District

..Petitioner(s)

Vs

1. P.Dhanapal

S/o. Perumal Gounder, Residing at D.No.1/132,  
Khan Colony, Rajapet, Dharmapuri District

2. Gunavathi

W/o. Dhanapal, Residing at D.No.1/132, Khan  
Colony, Rajapet, Dharmapuri District

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decretal order passed by the Additional Sub Court, Dharmapuri in I.A.No.04/2025 in A.S.No.10/2022 dated 20-03-2025.

For Petitioner(s):

Mr. P.M.Jayachandran

For Respondent(s):

Mr.M.Selvam for R1

Vakalath not filed



## **ORDER**

This Civil Revision Petition has been filed challenging the order passed by the First Appellate Court, dismissing the application filed by the petitioner, seeking amendment of plaint.

2. The petitioner herein/plaintiff originally filed a suit in O.S.No.129 of 2014 against the respondents herein/defendants for permanent injunction. The respondents/defendants filed a written statement, denying the title of the petitioner. Despite the same, the petitioner has not sought for declaration of title before the Trial Court and conducted the suit for bare injunction alone. Ultimately, the suit was dismissed. Challenging the dismissal order, the petitioner preferred first appeal in A.S.No.10 of 2022. Pending first appeal, the petitioner filed the instant application seeking amendment of plaint, so as to include a prayer for declaration of title. The said application was dismissed by the appellate court on two grounds, namely, i) on the ground of limitation and ii) if the amendment is allowed, the value of the suit will go out of the pecuniary jurisdiction of District Munsif Court. Aggrieved by the said order, the petitioner has come before this court.

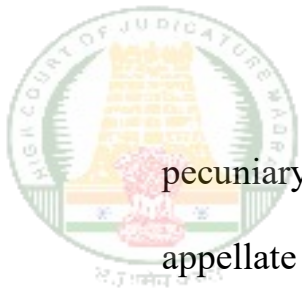
3. The learned counsel for the petitioner would submit that the respondents have not denied the title of the petitioner in their written statement.



Therefore, the petitioner did not choose to amend the plaint seeking declaration of title. However, while dismissing the suit, the Trial Court expressed opinion that the suit for bare injunction filed by the petitioner was not maintainable, without a prayer for declaration of title. Therefore, the petitioner was constrained to file the amendment application seeking inclusion of prayer for declaration of title in the suit, at the appeal stage.

4. A close scrutiny of the written statement filed by the respondents/defendants would indicate that the title of the petitioner was clearly disputed by them. The written statement was filed by the respondents on 22.08.2014. However, the petitioner failed to file any amendment application before the Trial Court. After amendment of Order VI Rule 17 of CPC, a party, who seeks amendment after trial, should satisfy the court that despite exercise of due diligence, the amendment application could not be filed, before commencement of Trial. Therefore, in view of proviso to Order VI Rule 17 of CPC, amendment of plaint, at the stage of first appeal, cannot be entertained.

5. Further, the respondents/defendants filed written statement denying the title of the petitioner during the year 2014. Therefore, the amendment application filed by the petitioner in the year 2025, prima facie, appear to be barred by limitation. It is also stated by the first appellate court that if the amendment is allowed, the value of the subject matter will go out of the



pecuniary jurisdiction of the District Munsif Court. Therefore, the first appellate court rightly dismissed the amendment application filed by the petitioner, as it is devoid of merits and I do not find any error to interfere with the same.

6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

**17-02-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The Additional Sub Court,  
Dharmapuri.



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**S.SOUNTHAR, J.**

**MST**

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