



WEB COPY

CRP No. 476 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 476 of 2024 and
CMP.No.2244 of 2024**

Attur Selliamman Swamy
Rep by its Idol, Temple Chariot Stand
and Commercial Buildings
Founder Late S.V. Narayana Chettiars
Legitimate and fifth generation legal
heir A.Raja @ Rajaram,
S/o K.Arumugam,
4/1B Samuvel St,
Ranipet, Attur, Salem District.

Petitioner

Vs

1. Attur Tuluva Velalar Sangam
Rep by President V.Sriram,
S/o R.Vasanth D.No.100, 101
Thayumanavar St, Attur 636 102

2.Attur Dharmaraja Temple
Arulmigu Draupadiyamman Temple,
Attur Tuluva Velalar Mahajana Mandra
President for Administration A.Kannan
S/o Cho. Arunachalam, D.No.73,
Thayumanavar St, Attur 636 102

Dr.A.Manickam (Died)
R.S. Thirugnanam (Died)
G.Ganesan (Died)

3.A.Thangavel

4.V.P.Thiagarajan



5.C.Rajendran

6.S. Palanisamy

7.C.Arumugam

8.A.Rajaram

9.P.Kumaran

10.M.Vadamalai

11.Tamilnadu Government
Rep by the District Collector,
District Collector Office, Salem

12.The Tahsildar
Tahsildar Office, Attur 636 102

13.The Municipal Commissioner
Attur Municipality, Attur 636 102

14.Arulmigu Drowpathiamman Temple
Excutive Officer,
Hindu Religious Charitable
Endowment, Department,
Inside of Attur Vellai Vinayagar
Temple, Attur 636 102

Respondents.

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to set aside the fair order and decreetal order dated 28.03.2023 made in IA.No. 2 of 2020 in OS.No. 193 of 2005 on the file of the 2nd Additional District Munsif Court, Salem.



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For Petitioner(s): M/s.M.Guruprasad

For Respondent(s): M/s.P.Jagadeesan for R1, R2, R4
to R6 And R8 to R10
M'r.N.Muthuvel for R11 to R13
Government Advocate (CS)
Mr.J.Daniel for R14
Government Advocate

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial court dismissing the application filed by the petitioner seeking amendment of the plaint.



2. The petitioner herein filed a suit seeking permanent injunction restraining the defendants from encroaching the suit property and also for mandatory injunction directing the defendants to remove the encroachment already made in Survey No.541/18A. The suit was resisted by the respondents/defendants by filing written statement on various grounds. Now, the instant application has been filed by the petitioner seeking inclusion of prayer for declaration of title. The said amendment application was dismissed by the trial court and aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner submitted that the respondents, in the written statement, raised a plea that the suit for bare injunction filed by the petitioner without prayer for declaration was not maintainable and hence, the petitioner was constrained to file the present application seeking amendment of the plaint for inclusion of the prayer for declaration and the same was erroneously dismissed by the trial court without appreciating the defence set up by the respondents.

4. The learned counsel for the contesting respondents, on the other hand, would submit that the prayer for declaration sought to be included by way of amendment was hopelessly barred by limitation and the trial court was justified in dismissing the application refusing amendment.



5. It is seen from the written statement filed by the 10th defendant dated 11.03.2008, a specific plea was raised with regard to the absence of prayer for declaration. The 10th defendant specifically denied the title of the petitioner temple over the suit property and also contested the maintainability of the suit for injunction simplicitor. Therefore, it is clear that the plaintiff's title over the suit property was denied as early as March 2008. However, the present application for amendment of the plaint to include the prayer for declaration was filed by the petitioner/plaintiff only on 24-11-2020 nearly after 12 years and 8 months. In such circumstances, the inclusion of prayer for declaration is hopelessly barred by limitation on the face of it. The trial court rightly came to the conclusion that prayer sought to be included is barred by limitation and hence, amendment application could not be allowed. In the light of the facts narrated above, the declaration prayer sought to be introduced by way of amendment is barred by limitation on the face of it and hence, the trial court is justified in dismissing the amendment application on the ground of limitation. I do not find any error in the order passed by the Trial Court. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

02-01-2026



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

1. The II Additional District Munsif
Court, Salem.

2. Tamilnadu Government
Rep by the District Collector, District
Collector Office, Salem

3. The Tahsildar
Tahsildar Office, Attur 636 102

4. The Municipal Commissioner
Attur Municipality, Attur 636 102



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