Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6993 of 2026

CNR:{HCMA012315752026}

AND

CMP NO. 30033 OF 2026

Case QR

Elizebath Dhanlakshmi

..Petitioner(s)

Vs

Narayaniammal (died)

1. M. Sanjeevikumar

   P.S.Gengathara Mudaliar(died)

2. Meera
   D/o.Narayaniammal

3. Vasantha
   D/o.Narayaniammal

4. Usha
   D/o.Narayaniammal

5. Vitta Bai
   W/o. Late P.S.Gengathara Mudaliar

6. Mohan Raj
   S/o. Late P.S.Gengathara Mudaliar

7. Vijaya Kumar
   S/o. Late P.S.Gengathara Mudaliar

8. Anbu
   S/o.Late P.S.Gengathara Mudaliar

9. Sasi Kumar
   S/o.Late P.S.Gengathara Mudaliar

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..Respondent(s)

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Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order passed In I.A.No.1 of 2025 (I.A.No.877 of 2011) in O.S.NO.578 of 2004 dated 4.8.2026 on the file of the Additional District Munsif Thiruvallur and thus render justice.

For Petitioner(s): Mr. P.Dhananjayan

Order

This Civil Revision Petition has been filed under Article 227 of the Constitution of India challening the fair and decretal order passed in I.A.No.1 of 2025 (I.A.No.877 of 2011) in O.S.No.578 of 2004 dated 4.8.2026 by the Additional District Munsif, Thiruvallur, wherein the application filed by the petitioner / plaintiff under Order VI Rule 17 of CPC, seeking for amendment of the plaint, came to be dismissed by the Court below.

2. Heard the learned counsel for the petitioner and carefully perused the materials available on record as well as the order passed by the Court below.

3. The petitioner is the plaintiff, who filed the suit in OS No.578 of 2004 seeking for the relief of permanent injunction. The suit was filed with a cause of action that the plaintiff was in possession and enjoyment of the property and that steps were taken to dispossess the petitioner by force.

4. The petitioner / plaintiff filed IA No.877 of 2011, which was

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subsequently renumbered as IA No.1 of 2025 to amend the plaint under Order VI Rule 17 of CPC to incorporate the following amendments:-

Particulars of amendments:

1. Add Para No. 3 (a) The plaintiff respectfully states that in the month of December 2010 she was given to understand through her well wishers of the suit village that the sult property and some other properties were originally belonged to one late. Mrs. Dhanakottlammal wife of Krishna Pillal, who settled the same by a Regd. Settlement deed dated 07.4.1937 to and in favour of her brother's (Parthasarathy Pillai sons namely late Narasimma Pillai and late. Jagannatha Pillai. The plaintiff was given to understand that in pursuance of the above said settlement deed dated 07.04.1937 the sald Narasimma Pillai and Jagannatha Pillai sold some of the properties described therein. And one such property Is situated In Lingi Chetti Street, Chennal. The defendants 1 and 2 are the wife and only son of the late Narasimma Pillai respectively. The another son namely late. Jagannatha Pillal got the suit property and during his life time he had executed Registered Settlement deed dated 30.9.1969 in Document No. 1173 of 1969 to and in favour of his wife Mrs. Andalammal. The said late. Jagannatha piilal and his wife Mrs. Andalammal had no issues. The said Mrs. Andalammal as a owner of the suit property during her life time had sold the suit property for her livelihood which is absolutely legal necessity to the 3rd defendant (plaintiff's vendor) herein in pursuance of a Regd. Sale deed dated 25.11.1985. wherein was known to the said Narasimma Pillal.

2. Add Para No. 3 (b) The plaintiff further submits that her vendor had been in peaceful possession and enjoyment of the suit property and that he sold the same to the plaintiff in pursuance of a Regd. Sale deed dated 21.2.1991, and ever since the date of sale deed the plaintiff have been in possession and enjoyment of the suit property as submitted above.

3. Add Para No. 3 (c) The plain lif further understood that the said Gangathara Mudaliyar was set ex-parte in O.S No. 58 of 1986 and subsequently the EP No. 6 of 2003 was filed.

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The said Ganagathara Mudaliyar (the plaintiff's vendor) in pursuance of the Registered settlement deed of Mrs. Andalemmal had good and marketable title over the suit property notwithstanding the sale of the suit property while pending the suit in O.S No. 58 1986. While being so the decree and Judgement In O.S No. 58 of 1986 is not valid in respect of the suit property. The plaintiff is the owner and titular of the suit property. The defendants 1 and 2 wantonly suppressed the fact of construction of the building in the suit property while pending the sult In O.S No. 58 of 1986 about which the plaintiff had no knowledge at all, till the written statement filed by the defendants 1 and 2.

4. Add in Para No. 6 after the words cause of action on 30.09.1969 when Jegannatha Pillal executed the Registered settlement deed in favour his wife Andalammal in respect of the suit property and other properties, on 25.11.1985 when the said Gangathara Mudaliyar purchased the suit property from Andalammal, on 21.02.1991 when the plaintiff purchased the suit property from Gangathara Mudaliyar, in the month of November 2004 the defendants 1 & 2 got paper delivery over the suit property, in the month of November 2010 when the plaintiff came to know about the Registered settlement deed dated 30.09.1969.

5. To Add In Para No. 5 of the plaint after the words suit for declaration of plaintiff's right, and to declare the decree in O. S. No. 58 of 1986 not binding on the plaintiff in respect of the suit property, and

6. Add In Para No. 7 of the plaint after the words Jurisdiction "for declaration the plaintiff values at Rs. 40,000/- and paid court fee of Rs. 1501.00 at half of Its market value of Rs. 20,000/- for the building therein, and valued Rs. 1000/- for the Agricultural land and pald a sum of Rs. 75.50 Under Section 25 (a) of TNCF and SV Act".

7. In the memo of valuation under Para No. 7 of the plaint had

I. For declaration

(1) Section and Sub Section 25 (a).

Market value of the Building Rs. 40,000/-7 Half of the market value Rs. 20,000/-

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(a) Court fee paid Rs. 1501.00

Kist paid for the land Rs.1.16 30 X 1.16 12 X 34.8 34.8 17.4

(b) Court fee paid Rs. 75.50

8. To Add in column No. 15 in the LIST OF DOCUMENTS FILED UNDER ORDER VI RULE 14 (1) CPC.

15. 30.09.1969. Copy of the Registered settlement deed. By the Jegannatha Pillai in favour of his wife Andalammal.

9. To Add in Para No. 10 of the plaint

I. To declare that the plaintiff is the owner and titular of the sult property

II. To declare the decree and judgement dated 27.08.2001 In O. S. No. 58 of 1986 on the file of this Honourable Court, was obtained by the plaintiffs by misrepresentation and that the same is not valid and not binding the plaintiff herein in respect of the suit property.

5. The Court below after dealing with the contentions raised on either side came to a conclusion that the petitioner / plaintiff was only a *lis pendens* purchaser and that the vendor of the petitioner, who was the 4th defendant in the earlier suit in OS No.58 of 1986 had not challenged the decree passed therein and therefore, the petitioner, who is the subsequent purchaser cannot seek for such a declaration by means of filing an amendment application. The Court below also found that the amendment sought for by the petitioner / plaintiff will result in an abuse of process of law and that there are no merits in the application. Aggrieved by this order, the present Civil Revision Petition has been filed before this Court.

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6. The case in hand is covered by Latin phrase, *nemo dat quad non habet* which means that a person can only convey a right that he has and nothing more.

7. In the present case, OS No.58 of 1986 was decreed in favour of respondents 1 and 2 and the present suit property was shown as Item No.3. The property was delivered to the 2nd respondent on 03.11.2004. The petitioner / plaintiff admittedly purchased the property on 21.02.1991 during the pendency of the suit in OS No.58 of 1986. Therefore, the sale is hit by the doctrine of *lis pendens* under Section 52 of the Transfer of property Act. The Vendor who was the 4th defendant in that suit did not choose to challenge the decree passed therein and therefore, the petitioner, who is the subsequent purchaser cannot take up that role and question the said decree. These facts were properly appreciated by the Court below and the order passed by the Court below is perfectly legal and the same does not warrant the interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India.

8. In the result, this Civil Revision Petition stands dismissed. No costs. If at all the petitioner / plaintiff has any grievance against his vendor, the

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same has to be worked out in the manner known to law. No costs. Consequently, the connected miscellaneous petition is closed.

11-11-2026

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

RKA
To
The Additional District Munsif, Thiruvallur

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