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CRP No. 5515 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 5515 of 2025
and CMP.No.27717 of 2025**

M.M.D.Abirami Lingeshwari,
W/o.Karthik, No.226/1390 Sathya Road,
Ganapathy, Coimbatore- 641 006.

..Petitioner(s)

Vs

1.P.Muthu Kannabiran,
S/o.M.Palanisamy Gounder, Residing at Door
No.74, Palace, Appachi Nagar Main Road, Kongu
Nagar, Tiruppur 641607

2.M.Pushpavathy alias Pushpanjali,
Wife of P.Muthu Kannabiran, Residing at Door
No.74, Palace, Appachi Nagar Main Road, Kongu
Nagar, Tiruppur -641 607.

3.M.M.G.Anandhi,
Wife of K.K.Rajasekaran, Door No.4, Indira
Ghandhi Street, Vijayalakshmipuram, Ambattur,
Chennai -53.

4.ICICI Bank,
Represented by its Manager, Main Branch,
Avinashi Road, Tiruppur.

5.P.E.Thangavel,
Son of Easwaramoorthi, Door No.168,
Velampalayam, Palladam Thaluk, Tirupur.

6.New Victory Fabrics,
Represented by its Partner K.Periyasamy, Son of
Karuppana Gounder, Having Office at Door
No.2/944, Sakthi Morden Rice Mill Compound,
Opposite to Kumaran Womens College, Mangalam
Road, Tiruppur -641 604.



7.K.Chinnasamy,
Son of Karupasamy, Door No.33/23, 2nd Street,
K.T.C.School Road, K.V.R.Nagar, Tiruppur.

8.K.Dandapani,
Son of Karuppana Gounder, Door No.20/33A, 2nd
Street, K.T.C.School Road, K.V.R.Nagar,
Tiruppur.

9.P.Rasathi,
Wife of Palanisamy, D.No.10, Poonul Kaadu
Duraishamy Layout, Kangeyam Road, Tirupur -641
604.

10.S.Nirmala Devi,
Wife of P.Saminathan, Door No.14/29, 2nd Street,
Vinayagapuram, Tiruppur -641 601.

11.P.Saminathan,
Son of K.Palanisamy Gounder, Door No.29 A, 1st
Street, Vinayagapuram, Tiruppur -641 601.

12.N.Balasubramani,
Son of Nachimuthu Gounder, Door No.18/2,
Kaathar Layout, Angeripalayam Road, Tiruppur.

13.P.Durairaj,
Son of Ponnusamy, Door No.14, Bangala Main
Street, Oddakadu, Tiruppur -641 502.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying To set aside the Fair Order and Decreetal Order in I.A.No.4 of 2025 in O.S.No.9 of 2018 dated 24.10.2025, on the file of IInd Additional District and Sessions Court, Tirupur and thereby render justice.

For Petitioner(s): MR.V.RAGHAVACHARI SENIOR COUNSEL
FOR MRS.Srimathi V.

For Respondent(s): MR.S.NATARAJAN R9 TO R11
MR.K.HEMANATHAN FOR R6 TO R8



MR.K. GOVI GANESAN FOR R1 & R2
MR.S.KRISHNA FOR M/S.ACUITY LAW
ASSOCIATES FOR R4
MR.V.P.SENGOTTUVEL SENIOR COUNSEL
FOR MR.K.R.NISHANTH FOR R12 & R13

ORDER

Before the trial Court, the plaintiff filed two applications, namely, I.A. No. 2 of 2025 and I.A. No. 4 of 2025. In I.A. No. 2 of 2025, the plaintiff sought to implead defendants 5 to 13, who are the subsequent purchasers of the suit property. In I.A. No. 4 of 2025, the plaintiff sought amendment of the plaint. Upon consideration, the trial Court allowed I.A. No. 2 of 2025, thereby permitting impleadment of the said purchasers. However, I.A. No. 4 of 2025, which was filed for amendment of the plaint, was dismissed. Aggrieved by the dismissal of the amendment application, the present revision has been preferred by the plaintiff.

2. The learned counsel for the petitioner/plaintiff submitted that, subsequent to the filing of the suit, the plaintiff came to know about a Lok Adalat award passed in O.S. No. 102 of 2017 on the file of the Additional Sub Court, Tiruppur. Based on the said award, several sale transactions were effected in respect of the suit properties during the period from 2017 to 2023. It is further submitted that the alleged compromise recorded before the Lok Adalat on 26.04.2017 is illegal. In this regard, the plaintiff filed I.A. No. 846 of

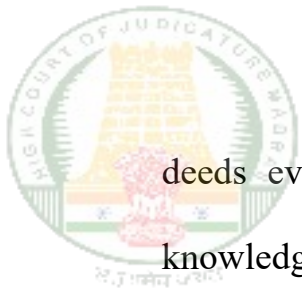


2022 in O.S. No. 102 of 2017 (wherein she was subsequently impleaded as the third defendant) seeking recall of the said Lok Adalat award. Upon hearing both sides, the trial Court recalled the Lok Adalat award and the decree passed therein.

3. Thereafter, in the present suit in O.S. No. 9 of 2018, the plaintiff filed the above applications seeking (i) impleadment of the subsequent purchasers, and (ii) amendment of the plaint to include a prayer for declaration declaring the sale deeds executed between 2017 and 2023 as null and void, as they were allegedly based on the said Lok Adalat award. While the trial Court allowed impleadment of the purchasers, it dismissed the amendment application on the ground that the relief of declaration sought by the plaintiff is barred by limitation.

4. The learned counsel for the petitioner contended that, once the trial Court permitted impleadment of the subsequent purchasers, it ought to have also allowed the amendment seeking declaratory relief against the sale deeds standing in the names of the newly impleaded parties. Without such a prayer, no effective decree can be passed against them. Hence, the rejection of the amendment application defeats the very purpose of impleadment.

5. Per contra, the learned counsel appearing for the respondents strongly opposed the revision, contending that the plaintiff was well aware of the sale



deeds even at the time of filing the suit in the year 2018. Despite such knowledge, no relief of declaration was sought at that time. Some of the sale deeds date back to 2017 and, therefore, the present attempt to seek declaration after a lapse of about seven years is clearly barred by limitation. Since the plaintiff had knowledge of those documents, the trial Court has rightly held so and the same requires no interference.

6. In support of their contention, reliance was placed on the judgment of the Hon'ble Supreme Court reported in (2016) 1 SCC 332 in L.C. Hanumanthappa (since dead) represented by his legal representatives vs. H.B. Shivakumar, wherein it was held that an amendment introducing a time-barred claim cannot be permitted and that the doctrine of relation back would not apply where such amendment takes away a vested right accrued to the other side. Reliance was also placed on (2024) 3 SCC 705 in Basavaraj vs. Indira and Others, wherein it was held that an amendment seeking to challenge a compromise decree after the expiry of the period of limitation is impermissible, as it changes the nature of the suit and defeats the accrued rights of the opposite party.

6.1. Further reliance was placed on the judgment of the Hon'ble Supreme Court in Dinesh Goyal @ Pappu vs. Suman Agarwal (Bindal) and Others, wherein the principles governing amendment under Order VI Rule 17 CPC



were reiterated, including that an amendment should not introduce a time-barred claim, change the nature of the suit, or cause prejudice to the other side.

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7. The learned counsel for the respondents further submitted that the present amendment would change the character of the suit and that the plaintiff, having had prior knowledge of the documents, is not entitled to seek such relief at a belated stage.

8. Considering the submissions and the facts of the case, it is seen that, after the filing of the suit, the plaintiff came to know that a Lok Adalat award had been obtained behind her back by her parents. Based on the said Lok Adalat award, several sale deeds came to be executed on 11.05.2017, 08.06.2017, and during the subsequent years.

9. Admittedly, the Lok Adalat award was passed on 26.04.2017 in O.S. No. 102 of 2017, wherein the present plaintiff was arrayed as the third defendant. It is the specific case of the plaintiff that her signature in the said award was forged. Upon coming to know of the same, she filed an application before the trial Court seeking recall of the award, and the trial Court, upon consideration, set aside the Lok Adalat award as well as the decree passed therein.



10. It is further evident that the sale deeds dated 11.05.2017, 08.06.2017, and subsequent transactions were executed based on the said Lok Adalat award.

Some of the sale deeds were also executed after the filing of the suit. Therefore, the plaintiff sought to amend the plaint to incorporate necessary averments relating to the said documents, to implead the subsequent purchasers, and to seek appropriate relief for cancellation of those sale deeds. The trial Court partly allowed the application by permitting impleadment of the purchasers. However, it declined to grant the relief of amendment insofar as it relates to cancellation of the sale deeds. Such a finding is erroneous.

11. Accordingly, the order of the trial Court is set aside to that extent, and the amendment application in I.A. No. 4 of 2025 is allowed. Liberty is granted to the defendants, as well as the newly impleaded parties, to file their written statements, and the trial Court is directed to proceed with the trial in accordance with law.

12. The judgments relied upon by the respondents are not applicable to the facts of the present case.



WEB COPY

CRP No. 5515 of 2



T.V.THAMILSELVI, J.

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13. In the result, the Civil Revision Petition is allowed. No costs.

Consequently, the connected miscellaneous petition is closed.

16-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MPA

To

1. IInd Additional District and Sessions Court, Tirupur.

2. The Section Officer, V.R.Section, High Court, Madras.

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