



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

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

CRP No. 601 of 2026

AND

CMP NO. 3352 OF 2026

K.Mohan,
S/o.Kuppusamy,
4/209, Kattuvalavu,
Ramanathapuram,
Kokkarayanpettai Village and Post,
Komarapalayam Taluk,
Namakkal District.

..Petitioner(s)

Vs

1. S.Rajavelu,
S/o.Settiya Gounder,
112/3, Nanjankadu,
Palanaickenpalayam,
Chikkanaickenpalayam Village,
Kokkarayanpettai Post,
Cauvery R.S., Erode -638 007.

Settiya Gounder (Died)

2. Chinnausamy,
S/o.Chettiyanna Gounder,
468, Gandhi Nagar,
Devanangkuruchi Village,
Devanangkuruchi Post,
Tiruchengode Taluke,
Nammakkal District.
3. Madheswaran,
S/o.Sengodan,
Veppankadu, Thatchankattupalayam,
Thokkavdi Village and Post,
Tiruchengode Taluke,
Nammakkal District.



4. Ramasamy,
S/o.Nallagounder,
Kosavankadu,
Seramittampalayam,
Devanankurichi Village and Post,
Tiruchengode Taluke,
Nammakkal District.
5. P.Ponnusamy,
S/o.Pitchaimuthu Gounder,
74/4A, Ponni Nagar,
Velur Town, Paramathi Taluk,
Nammakkal District.
6. P.Saraswathi,
W/o.P.Ponnusamy,
74/4A, Ponni Nagar, Velur Town,
Paramathi Taluk,
Nammakkal District.
7. M/s.Ponni Sugar Mills (Erode) Limited,
Represented by its General Manager,
Pallipalayam, Cauvery R.S.,
Erode -638 007.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art.227 of Constitution of India, praying to allow this Civil Revision Petition by setting aside the fair and decretal order dated 24.10.2025 passed in I.A.No.19 of 2025 in O.S.No.237 of 2008 on the file of Principal Subordinate Judge, Tiruchengode.

For Petitioner(s): Mr.T.Mohan
Senior Advocate for Mr.M.Santhanaraman

For Respondent(s): Mr.B.S.Manikandan for R1
R2, R4 To R7 - Batta Due
R3 – Insufficient address



ORDER

Aggrieved over the impugned order passed in I.A.No.19 of 2025 in O.S.No.237 of 2008 by the learned Principal Subordinate Judge, Tiruchengode, the Revision Petitioner/8th defendant had preferred this Civil Revision Petition.

2. The learned senior counsel for Revision Petitioner/8th defendant would submit that the proposed amendment sought by the 1st respondent/plaintiff as such is not maintainable in law and it has been clearly barred by limitation. But, without considering the same, the trial judge had allowed the application. Aggrieved over that, he preferred this Civil Revision Petition and prayed to set aside the findings of trial judge.

3.The learned counsel for 1st respondent/plaintiff would submit that the earlier counsel, who is appearing for the 1st respondent/plaintiff has not enlightened about the written statement filed by the defendants nor he knew about the defence raised by them. He would submit that only after the engagement of new counsel, he found that the relief of declaration in respect of settlement deed and the sale deed was not sought as per the prayer in the suit. Therefore, he has filed the application seeking for amendment and the same was rightly considered by the trial judge, which requires no interference.

5.The learned senior counsel for revision petitioner/8th defendant would also submit that the 1st respondent/plaintiff was very well aware of the settlement deed executed by his father/1st defendant as well as cancellation of



document even at the time of filing of the suit, but he has not sought for any relief to that effect. However, in the year 2005, he had filed the suit for the relief of partition and it was renumbered in the year 2008 as O.S.No.237 of 2008, nearly about 17 years later, he came forward with the amendment application to declare the settlement deed and cancellation of sale deeds of the year 2008 as null and void.

6.Heard and considered the rival submissions made by both learned counsel for revision petitioner and 1st respondent and perused the materials available on record.

7.Admittedly, on perusal of records, the fact reveals that the 1st respondent/plaintiff came forward with the partition suit claiming half share against his father and as per the plaint averments, he has stated that the suit properties are enjoyed in common and the alleged partition held in the family on 01.11.2004 is only a sham and nominal and it would not bind on him. To that effect, he has not sought for any relief in the suit and he has not mentioned about the sale deeds of the year 2008 stands in the name of Defendants 5 and 6. To that effect also, he has not sought for any relief. Furthermore, the fact reveals that the application filed in I.A.No.97 of 2011 was an amendment application and the same was allowed. Based on that, some amendment was carried out in the plaint. Even at that time also, the 1st respondent/plaintiff has not taken any steps to seek any relief of declaration after filing of the suit. Therefore, on bare perusal of the records, it reveals that the written statement



was filed in the year 2018, wherein the defendants have claimed right over the property based on the sale deeds. Even after that, the 1st respondent/plaintiff has not taken any steps to claim the relief of declaration. However, on a bare perusal of affidavit filed in I.A.No.19 of 2025, he has stated that earlier counsel has not informed about the said written statement. Such submission cannot be accepted, even though he was unaware of all the documents and even in the written statement, the defendants claimed right over the property based on the sale deed. So, he is very well aware about the same before filing the suit. But, he has not sought for the relief of declaration. Now, he came forward with the said application to include the relief of declaration and the cancellation of sale deeds of the year 2008, which was very well within the knowledge of 1st respondent/plaintiff. Indeed, the law requires within three years, he has to approach the court, but he has not taken any steps within that period. Therefore, the filing of the said application is not sustainable one. To that effect, the learned counsel for 1st respondent/plaintiff would submit that at the time of filing the suit, he was under the impression that the settlement deed and the cancellation of documents would not bind on him, since it is a void document according to him. Therefore, he has not sought for any specific relief with regard to declaration in the plaint. Subsequently, at the advise of new counsel, he came forward with the said application. In respect of void document, the 1st respondent/plaintiff is entitled to raise such a relief by filing a separate suit. With that observation, this Civil Revision Petition is allowed and the findings



rendered in I.A.No.19 of 2025 in O.S.No.237 of 2008 by the learned Principal Subordinate Judge, Tiruchengode is confirmed. No costs. Consequently, connected civil miscellaneous petition is closed.

16-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The Principal Subordinate Judge, Tiruchengode.



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T.V.THAMILSELVI J.

RPP

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