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Sumathi vs Rajamanickam

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SooperKanoon Citation : sooperkanoon.com/1752953

Court : Chennai Orders

Decided On : Nov-20-2025

Judge : Honourable Mr.Justice S. Sounthar

Appeal No. : CRP/627/2024

Appellant : Sumathi

Respondent : Rajamanickam

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2025

CORAM

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR and CMP.No.3109 of 2024 Sumathi ... Petitioner Vs 1.Rajamanickam 2.Saminathan 3.Gopal @ Rajagopal ... Respondents For Petitioner : Mr.C.Munusamy For Respondents : Ms.S.Sasikala for R1 to R3

ORDER

This civil revision petition is filed challenging the order dated 10.10.2023 passed by the trial Court dismissing the application in I.A.No.4 of 2022 in O.S.No.577 of

2017 filed by petitioner/plaintiff seeking to amend the plaint.

2. The petitioner/plaintiff herein filed a suit for bare injunction in

O.S.No.577 of 2017 as against the respondents/defendants, restraining them from interfering with the petitioner's peaceful possession and enjoyment of the property. 3, The respondents herein have filed a written statement, wherein they claim that they have purchased the suit property and other properties by means of a registered sale deed dated 14.09.1989 for a valuable consideration.

4. The written statement was filed on 25.12.2017. Thereafter, the trial in

> the suit commenced. When the suit is in the stage of P.W1 cross, the instant application in I.A.No.4 of 2022 has been filed by the plaintiff/petitioner seeking inclusion of new prayer in the suit to declare that the sale deed executed by the defendants on 14.09.1987 was invalid and non-est in the eye of law. The said amendment application was dismissed by the trial Court, Aggrieved by the same, the petitioner/plaintiff is before this Court.

5. The learned counsel appearing for the petitioner submitted that at the

stage of trial, the petitioner/plaintiff had presented a petition before the District Registrar, Salem for cancellation of the documents relied on by the respondents/defendants and the said authority has passed an order stating that

> the document relied on by the respondents, was a fraudulent one and since the issue was pending before the civil Court, the cancellation of document, could only be done by the civil Court. Therefore, the petitioner was constrained to file the present application I.A.No.4 of 2022 before the Principal District Munsif Court, Salem seeking to amend the plaint to declare that the sale deed executed by the defendants was null and void.

6. The learned counsel appearing for the respondents would submit that

though the written statement was filed by the respondents as early as 2017, the petitioner has not filed the amendment petition immediately, and this application was filed after a delay of five years i.e, in the year 2022. Therefore, the present application is barred by limitation. Further, it is stated that the petitioner has not given any reasons for the delay in filing the amendment petition after the commencement of trial.

7. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and also perused the records.

8. It is seen from the typed set of papers that the written statement of the respondents/defendants was filed on 25.12.2017. In the written statement, the

respondents have relied on the registered sale deed dated 14.09.1989. Therefore, it is clear that the petitioner/plaintiff acquired the knowledge about the document on 25.12.2017, when the written statement was filed. However, the instant application seeking declaration regarding the validity of the document, has not been filed by the petitioner within the period of three months. Therefore, the prayer sought for by the petitioner is barred by limitation.

9. Further, as per amended provision of Order VI Rule 17, a party

seeking amendment of pleadings subsequent to the commencement of trial, has to convince the Court that inspite of exercise of due diligence by him, he was not able to seek amendment, prior to the commencement of trial. In the case on hand, the petitioner/plaintiff acquired knowledge about the sale deed relied on by the respondents even in the year 2017. Immediately on the filing of written statement, they have not taken steps to seek amendment of plaint, prior to the commencement of the trial. In the affidavit filed in support of the amendment application, the petitioner has not given any convincing reasons as to why there was a lapse on her part in seeking amendment, prior to the commencement of trial. Hence,

mandate under Proviso to Order VI Rule 17 of CPC, has not been satisfied.

10. In this circumstances, I do not find any reason to interfere with the

impugned order in I.A.No.4 of 2022 in O.S.No.577 of 2017 passed by the learned Principal District Munsif, Salem, dismissing the said application seeking amendment of plaint.

11. The civil revision petition stands dismissed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed. 20.11.2025 Index : Yes / No Neutral Citation : Yes / No ds To: 1.The Principal District Munsif Salem. 2.The Section Officer VR Section High Court, Madras. S.SOUNTHAR, J, ds 20.11.2025

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