

IN THE COURT OF THE SUB JUDGE, CHERTHALA

Present: Ms. Lakshmy.S, Sub Judge

Monday, the 5<sup>th</sup> January 2026/ 15<sup>th</sup> Pousha 1947

**IA.20/2025 in OS.8/2023**

(Filed on 18.03.2025)

Petitioners/ Plaintiffs:

1. Naveen Jayasankar, S/o. Jayasankar, 26/408 A,  
Sudarsanam, Puthiyakavu, Vaikom Main Road,  
Thripunithura, Ernakulam : 682 301
2. Parvathi Ashok, M/o. Naveen Jayasankar, 26/408 A,  
Sudarsanam, Puthiyakavu, Vaikom Main Road,  
Thripunithura, Ernakulam : 682 301

By Adv. T. Jayakrishnan, Adv. Hormis Abraham,  
Adv. S. Lekha, Adv. M.V. Baiju & Adv. Aravindakshan. M.R

Respondents/Defendants:

1. Alpa Jayasankar, W/o. Late M. Jayasankar,  
Jayakarathi Puliyannoor Madom, CMC – XI, Cherthala
2. Dinesh Sreenivasan, Authorised Signatory,  
Nandini Tourist Home, Kizhakke Nada, Guruvayoor
3. Shakeer, Manager, Nandini Tourist Home,  
Kizhakkenada, Guruvayoor
4. Sasi, Proprietor, Nandini Restaurant,  
Nandini Tourist Home, Kizhakke Nada, Guruvayoor
5. Moni, Proprietor, Nandini Restaurant,  
Nandini Tourist Home, Kizhakkenada, Guruvayoor

6. Adv. Ravichandran, Proprietor, Nandini Restaurant,  
Nandini Tourist Home, Kizhakkenada, Guruvayoor
7. Suresh, Proprietor, Nandini Restaurant,  
Nandini Tourist Home, Kizhakkenada, Guruvayoor

R1 By Adv. Premkumar. K. & Adv. C. Preetha,  
R2 By Adv. P.S. Jyothish Kumar, Adv. T.P. Prasheela &  
Adv. Sinimol. P, R4 By Adv. P.S. Jyothish Kumar &  
Adv. T.P. Prasheela

This petition coming on for hearing on 12.12.2025 and the court on 05.01.2026 passed the following:

**ORDER**

This petition is filed by the plaintiff u/O.VI Rule 17 and Sec.151 CPC to amend the plaint.

2. The contentions of the petitioner as follows:

The suit is for partition. A mistake crept into the plaint whereby item No.34, 25000 shares of Late Jayasankar was included. From the parallel proceedings between the parties, it is revealed that the share held by Late Jayasankar was 85000. Moreover, 1620 shares of Padmaja, mother of Jayasankar also should devolve on plaintiff. Hence necessary amendments are required to incorporate the same.

3. The first respondent filed objections, as follows: The petition is not maintainable and the respondent is not aware that Late Padmaja, mother of Late Jayasankar, held any share at the time of her death. Even if she held, which has a

separate cause of action has to be dealt with in appropriate separate proceeding.

Hence petition is to be dismissed.

4. Heard both sides and perused the records.

5. The following points arise for consideration:

(i) Whether the petitioners can be allowed to amend the plaint as prayed for?

(ii) Order and costs?

6. Point No.1:- The petitioners are the plaintiffs in the suit for partition and separate possession. The plaint schedule properties which are 39 items, belonged to Sri.M.Jayasankar, who died intestate. The first petitioner is his son and first respondent is his widow and since they could not arrive at a mutually acceptable division of properties, the suit was filed. Now the petitioners intend to amend the plaint to incorporate more shares left behind by Late Jayasankar and the shares of his deceased mother in Nandini Tourist Home.

7. The first respondent objected the proposed amendment on the ground that the right over the shares of Late Padmaja, mother of Late Jayasankar is a separate cause of action which has to be adjudicated in a different proceeding.

8. However, the proposed amendment is only to correct the number of shares left behind by Late Jayasankar and his mother. The right of Late Jayasankar and his mother over those shares and the entitlement of those shares to the successors, are all matters which goes to the merit of the case. The proposed

amendment does not alter the fundamental nature or character of the suit. The cause of action remains unchanged, and the respondents retain full liberty to contest or refute the claim made through the amendment.

9. As the main object of O.VI R.17 CPC is to minimize the litigations, the proposed amendment would not change the nature of the suit and it is necessary for determining the real dispute between the parties. So I am of the view that the petition can be allowed.

10. Point No.2: - In view of finding on point No.1, I find that the petition is to be allowed without costs.

**In the result, the I.A is allowed and the petitioner shall carry out amendment within seven days and shall submit amended plaint.**

Dictated to the Confidential Assistant, typed by her directly to the Computer, corrected and pronounced by me in open court on this the day of 5<sup>th</sup> day of January, 2026.

Sd/-  
LAKSHMY.S,  
SUB JUDGE

Appendix :Nil

Id/-  
SUB JUDGE