

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : Tmt.M.Santhosham., B.Sc., B.L.,

District Munsif, Sulur

Thiruvalluvar year 2056 Visvvasu year, 3rd day of Month of Karthigai

Wednesday the 19th day of November 2025

I.A.No.2/2025

in

O.S.No.55/2022

Aruchamy

... Petitioner/Plaintiff

/VS/

R. Duraisamy

...Respondent/ Defendant

This petition is coming on this day for final hearing before me in the presence of Mr.K.Naveen Kumar, Advocate for the Petitioner and Mr.P.K.Praburam, Advocate for the Respondent and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioner under order 6 rule 17 and Section 151 of CPC to amend the plaint.

1. The brief averments of the affidavit filed by the petitioner as follows:

1.1. The petitioner/plaintiff filed the main suit for Permanent injunction. The averments in plaint may be read as part and parcel of this affidavit. The suit for permanent injunction and while at the time of filing the suit the petitioner/plaintiff typically made some errors in the suit. Now the petitioner/plaintiff filing this petition to amend the plaint as mentioned in the petition. Unless the petition is allowed to amend the plaint, the petitioner/plaintiff will be put into much loss and hardships which cannot be calculated and compensated. Hence, the petition is to be allowed.

2. The brief averments of Counter statement filed by the Respondent as follows:

2.1. The petition is false, frivolous, vexatious and not maintainable both under law and on the facts. The respondent, in his written statement filed on 14.07.2022, alleged that the petitioner had encroached upon the property allotted to the respondent and had built a wall around it. The petitioner filed petition in E.P.No.2/2018 against the respondent was dismissed on 27.02.2023 after hearing. The petitioner has now filed this petition without any basis and encroach with the malicious intent of threatening the respondent and seizing the property. Hence, the petition ought to be dismissed.

3. No Witnesses were examined on either side, and no documents were marked as exhibits.

4. Points for Consideration:-

Whether the petition under order 6 rule 17 and Section 151 of CPC to amend the plaint is to be allowed?

5. Points :-

5.1. The petition affidavit, counter and the enquiry of both parties were carefully considered. Heard the counsels for both the parties. The suit documents were carefully examined. The Main suit is filed for Permanent injunction and now suit is currently pending for trial.

5.2. The petitioner/plaintiff stated that, while at the time of filing the suit the petitioner/plaintiff typically made some errors in the suit. The respondent/defendant objected that, The petitioner has now filed this petition without any basis and encroach with the malicious intent of threatening the respondent and seizing the property.

5.3. In this context, the petitioner has filed this present petition to amend plaint. The suit trial has not been commenced, hence as per Order 6 Rule 17 of CPC, the pre trial amendment to be construed as liberally and the plaint can be allowed to amend. However, considering the nature of the case and the importance of a fair trial, this Court, in the interest of justice and to avoid the multiplicity of the proceedings the present petition is allowed.

In the result, this petition is allowed. No cost.

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 19th day of November 2025.

Sd/M.Santhosham
District Munsif,
Sulur.

List of witnesses and documents on Petitioner side:- - Nil

List of witnesses and documents on Respondent side:- - Nil

Sd/M.Santhosham
District Munsif,
Sulur.

Draft/ Fair Order
I.A.No.2/2025 in
O.S.No.55/2022
Dated:19.11.2025
DMC, Sulur