

**IN THE COURT OF THE DISTRICT MUNSIF, SULUR**

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

**District Munsif, Sulur**

Thiruvalluvar year 2056 Visvvasu year, 3<sup>rd</sup> day of Month of Karthigai

Wednesday the 19<sup>th</sup> day of November 2025

**I.A.No.3/2024**

**in**

**O.S.No.86/2020**

1. Saranya
2. Pavithra
3. Marathal

**...Petitioners / Plaintiffs**

**/VS/**

Thangavel

**...Respondent/ Defendant**

This petition is coming on this day for final hearing before me in the presence of Mr.R. Arunachalam, Advocate for the Petitioners and Mr.P.K. Praburaam, Advocate for the Respondent and upon perusing the records and having stood over for consideration till this day this Court delivered the following :

**ORDER**

This petition is filed under order 6 rule 17 and section 151 of CPC to amend the plaint.

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

1.1. The 2<sup>nd</sup> petitioner is 1<sup>st</sup> petitioner's sister and the 3<sup>rd</sup> petitioner is grandmother. The main suit was filed against the respondent for the relief of declaration of the sale agreement dated 01.03.2007 entered between late Chinnasamy and the respondent as invalid, infructuous and unenforceable in any court of law due to limitation.

1.2. The respondent was set exparte in the suit and the suit was decreed in favour of petitioners on 09.12.2022. At the time of filing the suit due to typographical error the date of the partition deed was mentioned as 04.06.1952 instead of 04.06.1992 and the document number was mentioned as 1897/1952 instead of 1897/1992. The above mistake was due to typographical error and it was beyond petitioners control. It is necessary that the plaint must be amended accordingly inorder to rectify the mistake. Therefore it is just and necessary that the plaint has to be amended as given in detail in the petition. Hence, the petition is to be allowed.

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

2.1. The petition is false, frivolous, vexatious and unsustainable either in law or on facts. The petitioners filed the above said interim application by seeking amendment in the plaint and seeking amendment in the judgment passed by this court dated 09.12.2022. The petitioner filed suit against the respondent for relief of declaration and after receipt of court summon the respondent also appeared before this court and engage his counsel to conduct the case and during the pendency of the case one of the petitioner namely Saranya negotiated with this respondent for making settlement over the suit property. On believing the words of the 1<sup>st</sup> petitioner, this respondent not turned up to conduct the case by filing written statement. Hence, this court passed exparte order against this respondent and thereafter the petitioner suppressed the case pending before this court with the respondent and obtained exparte judgment and after receipt of the court summon the above said interlocutory application, only this respondent aware about the case pending before this court.

2.2. The respondent alone put in possession and enjoyment of the suit property from the year of 2007 itself and this respondent paid entire sale consideration to the power agent Tangaraj. The petitioner not included the power agent Thangaraj as party to the suit proceedings and filed this suit is not all maintainable. Now the respondent filed section 5 of Limitation Act along with

application to set aside exparte judgment and decree passed by this court on 09.12.2022 with detailed written statement. And more over the suit involved with triable issues, at this juncture the petition for seeking amendment of judgment is not at all maintainable. 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. Both sides were heard, and the case documents were examined. The Original suit was filed seeking for the relief of declaration.

5.2. The Petitioners/plaintiffs stated that, at the time of filing the suit due to typographical error the date of the partition deed was mentioned as 04.06.1952 instead of 04.06.1992 and the document number was mentioned as 1897/1952 instead of 1897/1992. The above mistake was due to typographical error and it was beyond petitioners control. The respondent/defendant objected that, the respondent alone put in possession and enjoyment of the suit property from the year of 2007 itself and this respondent paid entire sale consideration to the power agent Thangaraj. The petitioner not included the power agent Thangaraj as party to the suit proceedings and filed this suit is not all maintainable.

5.3. In original suit, the suit is posted for written statement of defendant

on 12.08.2022 on the same day the defendant called absent set exparte. After exparte evidence and exparte arguments suit is decreed on 09.12.2022. After exparte decree the defendant filed for condone delay application and set aside the exparte decree application along with written statement. Both the applications are allowed. Hence, now the suit is in the stage of framing of issues.

5.4. Hence, as per the records the trial has not been commenced in this case. As per order 6 rule 17 of CPC the pre trial amendment can be construed liberally. The respondent content about the proof title, possession all the matters can be decided at the time of trial. In the interest of justice to arrive finality for the issue between both parties this court allowed this application.

***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 19<sup>th</sup> day of November 2025.

Sd/M.Santhosham  
District Munsif,  
Sulur.

**List of witnesses and documents on Petitioners side:-** - Nil

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

Sd/M.Santhosham  
District Munsif,  
Sulur.

Draft/ Fair Order  
I.A.No.3/2024 in  
O.S.No.86/2020  
Dated: 19.11.2025  
DMC, Sulur