

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

Present : **Tmt.N.Renuga.**, B.A., B.L.,

District Munsif, Sulur

Friday the 19<sup>th</sup> day of July 2024

**I.A.No.8/2024**

**in**

**O.S.No.92/2020**

1. Sri.Murugan, son of Balusamy, aged about 44, residing at 164A, Puliymarathupalayam, Varappatti village and post, Sultanpet Via, Sulur Taluk - 641663

2. Smt.Jayamani, wife of Murugan, aged about 43, residing at 164A, Puliymarathupalayam, Varappatti village and post, Sultanpet Via, Sulur Taluk – 641663

... Petitioners/Plaintiffs

/VS/

Smt.Radhamani, wife of Gurusamy, aged about 60, residing at 164 Puliymarathupalayam, Varappatti village and post, and Sultanpet Via, Sulur taluk – 641663.

...Respondent/Defendant

This petition filed by the petitioners under order 6 rule 16 and 17 and section 151 of CPC to amend the plaint.

Date of the petition : 18.03.2024

This petition is coming on 15.07.2024 for final hearing before me in the presence of Ms.R.Krishnaveni, Advocate for the Petitioners and Thiru.T.Muralidharan, Advocate for the Respondent and upon perusing the records,

and this court Final order and direct as follows:

1. *that the petition be and the same is hereby allowed; and*
2. *that there be no cost*

### **MEMO OF COSTS**

FOR PETITIONER SIDE

FOR RESPONDENTS SIDE

NIL

#### **Details of Amendments**

1. After Para 7, add as “7-A. The defendant had put up construction in the 1<sup>st</sup> week of December 2021 and claimed that my Southern side wall running East West belongs to her. As per the measurements in the plaintiffs’ sale deed, the wall absolutely belongs to the plaintiffs. Even from the Commissioner’s report and plan and surveyor’s plan, it is well within the boundaries of the plaintiffs. On the Western side wall running North South, the defendant at the South West corner had encroached about  $\frac{3}{4}$  ft. (North South) and a toilet is attached to this wall. Further on the Southern side of the East West Wall, the defendant had rested their roofings of their bathroom and store room. The encroachments made by the defendant had come to knowledge only after the measurements made by the Advocate/Commissioner with the assistance of the Taluk Surveyor. After the measurement of the suit property, ie. on 31.12.2021, the plaintiffs had even requested the defendant to remove the encroachments and deliver the possession of the encroached property. But the defendant had not cared about the same. On the other hand, the defendant started to proclaim that she is the absolute owner of the Southern Wall running East of 2 ft in width and 20 ft in length. Since the defendant has no right over the suit property, she is bound and liable to handover the possession of  $\frac{3}{4}$  ft at the North South wall encroached by the defendant at the South West corner of the suit property to the plaintiffs and to remove the roofing rested on the Southern side wall running East

West.”

2. In Para 10 of the plaint, add as “a) To declare that the plaintiffs are the absolute owners of the Southern Wall running East of 2 ft in width and 20 ft in length and direct the defendant to deliver the possession of  $\frac{3}{4}$  ft North South wall encroached by the defendant at the South West corner of the suit property;

b) To grant Mandatory Injunction directing the defendant for removal of the roofing rested on the Southern side wall running East West;

3. Substitute Para “10.a)” as “10.c”, “10.b)” as “10.d” and “10.c)” as “10.e”.

4. In Para 9 of the plaint, delete “Rs.1,000/-” and Substitute as “Rs.1,000/-” and delete “Rs.30.50” and substitute as “rs.360/-”

5. In Para 9 of the plaint, add “25(a)” before “27(c)”.

Given under my hand and seal of this court, this the 19<sup>th</sup> day of July 2024.

Sd/N.Renuga

District Munsif,

Sulur.

Final Order  
I.A.No.8/2024 in  
O.S.No.92/2020  
Dated: 19.07.2024  
DMC, Sulur