

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

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

District Munsif, Sulur

Thiruvalluvar year 2056 Visvavasu year, 16th day of Panguni

Monday the 30th day of March 2026

IA.7/2025

in

O.S.No.234/2022

Deivasigamani

... Petitioner/Plaintiff

/VS/

1. Sivagami
2. Leelavathi
3. Maheswari
4. Kamalraj
5. Gopalakrishnan
6. Maragatham
7. Marathal
8. Ramasamy
9. Easwaramoorthy
10. Chenniappan
11. Saraswathi
12. Gokilamani
13. Shanmugasundaram
14. Marathal
15. Nataraj
16. Suganthi
17. Suresh
18. Sundrambal

19. Ambigavathi
20. Yuvaraj
21. Bagyalakshmi
22. Thulasiammal
23. Rajkumar
24. D. Gopalsamy
25. R. Saraswathi
26. J. Shanthamani
27. S. Vijayalakshmi
28. R. Azhagammal
29. V. Srinivasan

... Respondents/Defendants

This petition is coming on this day for final hearing before me in the presence of Mr.R.Ramalingam, Advocate for the Petitioner and Mr.M.Ganeshkumar, Advocate for 3rd to 5th Respondents and Mr.P.K.Prabhuram, Advocate for 25th to 29th Respondents and stated that “No Counter” and the 1st , 2nd , 6th to 24th Respondents are exparte in main suit and upon perusing the records, and this court made the following:

ORDER

Petition filed by the petitioner under Order 6 Rule 17 of CPC to amend the plaint.

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

1.1. The Petitioner have filed the above suit against the respondents to declare the sale deeds and power of attorney executed by the 1st and 2nd respondents and 7th to 9th respondents as null and void. Besides the said relief, some other declarations are also sought for in regard to the sale deed executed infavour of the 20th and 24th to 29th defendants along with the relief of permanent injunction against the 29th to 31st respondents/ 29th to 31st Defendants restraining them from in any

manner encumbering (or) alienating the suit property.

1.2. Petitioner is the owner of the suit property derived title from his paternal ancestors. Petitioner have filed number of documents along with the plaint to establish petitioner title over the suit property. Against Petitioner's plaint allegations, the 25th to 29th defendants through their counsel denied petitioner/plaintiff's title and rights over the suit property by filing their written statement. Similarly, the 3rd to 5th defendants also filed their written statement denying petitioner/plaintiff's title over the suit property.

1.3. Since the contesting respondents disputed Petitioner/plaintiff's title upon the suit property through their written statement and tried to create a cloud upon petitioner/plaintiff's title, Petitioner advised to amend the plaint seeking the relief of declaration in regard to petitioner/plaintiff's title. The previous counsel engaged by petitioner was suffering from ill-ness. Petitioner could not contact his counsel and get to know about the stand taken by the contesting respondents. Petitioner's previous counsel, unfortunately died and therefore, Petitioner entered appearance through his present counsel on 24.09.2025. During discussion with petitioner's present counsel, Petitioner came to understand that the contesting respondents denied petitioner/plaintiff's title over the suit property.

1.4. Therefore, it is just and necessary that the plaint has to be amended to seek additional prayer for declaration of petitioner/plaintiff's title. Unless to amend the plaint, Petitioner will be put to great loss and hardship. Hence, this Petition is to be allowed.

2. The brief averments of the Counter Statement Filed by the 5th Respondent and Adopted by the 3rd and 4th Respondents as follows:-

2.1. The petition is false, frivolous, vexatious and unsustainable both in

law and on facts. The petitioner is put to strict proof of all those allegations contained in the petition save those that are specifically admitted herein. The petitioner has come forward with the above application without any merits and to drag on the proceedings.

2.2. The petitioner have simply stated that since the defendants disputed the title of the plaintiff and thus they have come forward with this petition to amend the plaint and seek an additional prayer for declaration of his title. The amendment sought for by the petitioner is only an afterthought because the respondents disputed the petitioner's title and such an amendment is impermissible and is liable to be dismissed.

2.3. Such an amendment will cause prejudice to the respondents as it will change the whole nature of the case and bring in new pleadings. The bare perusal of the plaint shows the numerous reliefs sought for by this petitioner. The above case is ripe for trial and the petitioner has come up with this petition at a belated stage only to delay and drag on the proceedings. Petitioner cannot amend the prayer based on the contents of the written statement at this stage to cure the defects in the plaint.

2.4. The petitioner has come up with this petition only to delay and drag on the proceedings. Under those circumstances, the petition filed by the petitioner to amend the plaint and include a new prayer is to be dismissed in limini. Hence this petition is to be dismissed.

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

4. Point for consideration:-

Whether the petition under Order 6 Rule 17 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 original suit is filed for seeking relief of Declaration and Permanent injunction. Now the suit is pending for trial.

5.2. Petitioner stated that, the contesting respondents disputed Petitioner/plaintiff's title upon the suit property through their written statement and tried to create a cloud upon petitioner/plaintiff's title, Petitioner advised to amend the plaint seeking the relief of declaration in regard to petitioner/plaintiff's title. The previous counsel engaged by petitioner was suffering from ill-ness. Petitioner could not contact his counsel and get to know about the stand taken by the contesting respondents. Petitioner's previous counsel, unfortunately died and therefore, Petitioner entered appearance through his present counsel on 24.09.2025. During discussion with petitioner's present counsel, Petitioner came to understand that the contesting respondents denied petitioner/plaintiff's title over the suit property.

5.3. The 3rd to 5th Respondents objected that, the amendment sought for by the petitioner is only an afterthought because the respondents disputed the petitioner's title and such an amendment is impermissible and is liable to be dismissed. Such an amendment will cause prejudice to the respondents as it will change the whole nature of the case and bring in new pleadings.

5.4. The main case is filed by petitioner/plaintiff. The suit trial has not been commenced, and this petition is filed while the case posted for trial, the plaintiff

come forwarded with this petition to amend the plaint to seeking the relief of declaration in regard to petitioner/plaintiff's tile. The respondents/defendants denied the petitioner/plaintiff's title. Then the petitioner/plaintiff filed this petition to amend the prayer for declaration. It is necessary to amend the plaint. If this petition is allowed, there is no prejudice cause to the respondents/defendants. As per Order 6 Rule 17 CPC, the pre trial amendment to be construed as liberally and the plaint can be allowed to amend. Hence, in the interest of justice this 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 30th day of March 2026.

Sd/M.Santhosham

District Munsif,

Sulur.

List of witnesses and document on Petitioner side: - Nil

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

Sd/M.Santhosham

District Munsif,

Sulur.

Draft/ Fair Order

I.A.No.7/2025 in

O.S.No.234/2022

Dated : 30.03.2026

DMC, Sulur.