

**THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
ANNUR.**

PRESENT: Tmt.V.Monika, B.A., B.L., L.L.M.,  
District Munsif cum Judicial Magistrate, Annur.

**On this Thursday, the 22<sup>nd</sup> day of January, 2026.**

**I.A.No.6/2025**  
**in**  
**O.S.No.7/2025**  
(CNR.No.TNCB21-000037-2025)

1. N.Kaliappa Gounder (Died)

2. K.Shanmugam Sundaram

3. K.Shivasamy

4. S.Saraswathy

5. K.Gunasundari

.... Petitioners/Plaintiffs

//Versus//

1. K.Krishnaswamy

2. R.Janaki (Died)

3. Bagyalakshmi alias Bagyam (Died)

4. R.Baby Swarnambal

5. A.Rathinam

6. Uthish

7. Eswaramurthy

8. R.Viswanathan

9. K.Gopal

.... Respondents/Defendants

This petition is coming for final hearing before this court in the presence of Thiru.P.Subramani, Learned Counsel for the Petitioners/Plaintiffs and Thiru.S.R.Iyalpari, learned counsel for the Respondents/Defendants and upon perusal

of material records and having stood over till this date for consideration, this court delivers the following :

## **ORDER**

This petition has been filed by the petitioner under Order 6 rule 17 of CPC to amend the plaint as per the details of amendment sought for, and pass such other deem fit and thus render justice.

### **2. Brief averments of the Petition:**

The petitioners are the plaintiffs in the main suit for declaration and permanent injunction against the respondents/defendants. Plaintiffs 2 to 5 and 9<sup>th</sup> defendant are brothers and sisters. The 2<sup>nd</sup> petitioner and his father initially filed the suit for declaration that the sale deed dated 20.01.2016 executed by Respondents 1 to 4 in favour of R5 as null and void, declaring that Patta 5234 granted in favour of Respondents 1 to 4 null and void and permanent injunction restraining the defendants from in any way interfering with peaceful possession and enjoyment in the suit property. During the pendency of the suit the 1<sup>st</sup> plaintiff died, his legal representatives were impleaded as 2<sup>nd</sup> to 5<sup>th</sup> plaintiffs and 9<sup>th</sup> defendant. As per Patta No.89, The plaintiffs are the absolute owners, the Adangal and RSR records stands in their father's name, they are in the possession of the property as absolute owners. The respondents/defendants 1 to 4, who are the Southern side adjacent land owner of the suit property, executed a sale deed in favour of 5<sup>th</sup> defendant, their close relative,

without any right, title and interest over the suit property. It was with a motive to show that they possess right and interest in the property, no anterior documents of title produced and so it is a shame and nominal document. Till March 2025, when the written statement filed, the petitioners were unaware about any title claimed by the respondents, they are simply referring to self serving subsequent partition deed. These deeds had created a cloud over the title of the plaintiff and so it is necessary for the petitioners/plaintiffs to amend the plaint by introducing the declaratory prayer towards the ownership of the suit property. Trial of the case is not commenced unless necessary to amend the plaint, unless the petitioners/plaintiffs would suffer irreparable loss and hardship. Hence, it is prayed to allow the petition.

### **3. Counter statement filed by the Respondents 1, 4 to 8:**

By generally denying the petition averments, except the admitted averments, the counter filed by the respondents is that, the Hon'ble High Court directed to disposal of the suit but the present application was filed in order to transfer the suit, which would make this court to lose its pecuniary jurisdiction. The valuation alleged in the details of amendment is incorrect and the relief of declaration is not maintainable. The all other averments with respect to ownership of petitioners towards the suit property and the knowledge of sale deed dated 20.01.2016, non disclosure of anterior title deed shows it is a shame and nominal document were all denied. The petitioners were well about the pleadings have been completed and the issues were already framed, since they have no merits, in order to delay the

commencement of trial, the petitioners come forward with the present application, which is not maintainable. And so it is prayed to dismiss the petition with costs.

**4. Points for Consideration:**

Whether this petition u/O. 6 Rule 17 of CPC should be allowed and the petitioners are to be permitted to amend the plaint as prayed for?

5. No witness was examined by both parties and no documents were exhibited by them.

**Discussions and Decision:-**

6. Both sides counsels' enquiry heard and the available case records were perused. The present suit was filed for the relief of declaration with respect to sale deed dated 20.01.2016 and with respect to Patta No.5234 along with the consequential permanent injunction. The suit is presently pending for commencement of trial, the issues to be decided were already framed. At this stage, the present petition for amendment of the plaintiff was filed.

7. Through this amendment petition, the nature of amendment sought for by the petitioners/plaintiffs is regarding declaration of plaintiffs' ownership over the suit property, based upon the Patta granted by the Annur Tasildhar. Both the plaintiffs as well as defendants were contrarily claiming that the suit property as their ancestral

property. Initially, the present suit was filed with respect to declaration of sale deed executed by the defendants as null and void and consequential permanent injunction against them. But the petitioners/plaintiffs contended that the sale deed executed by the defendants would necessarily create a cloud over title of the suit property by the plaintiffs. In the circumstances of this case, as per the guidelines laid down by the Hon'ble Apex Court in Anathulla Sudhakar Vs Buchchi Reddy, when a cloud over title is present, then it is necessary to seek declaration with respect to ownership of suit property and bare injunction prayer would not be sustainable. While relying upon the above decision in the present case, it is necessary to seek declaratory prayer. The trial is yet to be commenced in this case and so as per Order 6 Rule 17 of CPC, the proposed amendment is found to be just and necessary for determine the real questions in controversy between the parties.

8. The objections raised by the respondents were also mere denial of the petition averments and no specific material objections were raised. Hence, in the facts and circumstances of this case and based upon the above discussions, the proposed amendments are necessary for deciding the real controversy and so this petition is allowed.

***In the result,***

this petition is allowed. No costs.

Dictated to the steno-typist, directly typed by her in the official desktop,  
corrected and pronounced by me in the open court on this 22<sup>th</sup> day of January, 2026.

District Munsif cum Judicial Magistrate,  
Annur.

**Both side Exhibits Marked :** - NIL -

District Munsif cum Judicial Magistrate,  
Annur.

**Fair/Draft Order**

I.A.6/2025 in

O.S. 7/2025.

Dated : 22.01.2026.

DM cum JM, Annur.

**THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
ANNUR.**

PRESENT: Tmt.V.Monika, B.A., B.L., L.L.M.,  
District Munsif cum Judicial Magistrate, Annur.

**On this Thursday, the 22<sup>nd</sup> day of January, 2026.**

**I.A.No.6/2025**

**in**

**O.S.No.7/2025**

**(CNR.No.TNCB21-000037-2025)**

1. N.Kaliappa Gounder (Died)
2. K.Shanmugam Sundaram (55), S/o. Kaliappa Gounder,  
D.No. 1/79, Masa Gounder Thottam,  
Keeranatham, Coimbatore – 641 035.
3. K.Shivasamy (58), S/o. Kaliappa Gounder,  
1/77, Masa Gounder Thottam,  
Keeranatham, Coimbatore – 641 035.
4. S.Saraswathy (56), D/o. Kaliappa Gounder,  
W/o. S.Shanmugasundaram,  
18/136, Maracompany Medu, Marapalam,  
Madukkarai, Coimbatore – 641 105.
5. K.Gunasundari (55), D/o. Kaliappa Gounder,  
W/o. V.Balasundaram, D.No.2/557, Thulokkan Thottam,  
Kattampatti, Ellapalayam (p.o), Coimbatore. .... Petitioners/Plaintiffs

*//Versus//*

1. K.Krishnaswamy (60), S/o. Chinnayyan,  
D.No.2, Mamarathottam, Ganapathy, Coimbatore – 6.
2. R.Janaki (Died)
3. Bagyalakshmi alias Bagyam (Died)

4. R.Baby Swarnambal (63), W/o. A.Rathinam,  
D.No.3/7B, Kasthuribai Street No.4, Kalkatti Thottam,  
Ganapathy, Coimbatore – 6.
5. A.Rathinam (70), S/o. Arumugam,  
3/7B, Kasthuribai Street No.4, Kalkatti Thottam,  
Ganapathy, Coimbatore – 6.
6. Uthish (21), S/o. Somasundaram,  
Balaji Garden, Subramaniyampalayam, Coimbatore.
7. Eswaramurthy (55), S/o. Rayappa Gounder,  
7B, Kasturibai Street, Kalkatti Thottam,  
Extension 4, Ganapathy, Coimbatore – 6.
8. R.Viswanathan (52), S/o. Rayappa Gounder,  
7B, Kasturibai Street, Kalkatti Thottam,  
Extension 4, Ganapathy, Coimbatore – 6.
9. K.Gopal (66), S/o. Kaliappa Gounder,  
D.No.1/78, Masa Gounder Thottam,  
Keeranatham, Coimbatore – 641 035. .... Respondents/Defendants

This petition has been filed by the petitioner under Order 6 rule 17 of CPC to amend the plaint as per the details of amendment sought for, and pass such other deem fit and thus render justice.

**Date of petition :** 13.10.2025.

This petition is coming for final hearing before this court in the presence of Thiru.P.Subramani, Learned Counsel for the Petitioners/Plaintiffs and Thiru.S.R.Iyalpari, learned counsel for the Respondents/Defendants and upon perusal of material records and having stood over till this date for consideration and this court

doth order and final order as follows:

***In the result,***

this petition is allowed. No costs.

**Memo of Cost**

- Both side cost list not filed -

**Schedule of Property**

- Nil -

Given under my hand and the seal of this court, this the 22<sup>nd</sup> day of January, 2026.

District Munsif cum Judicial Magistrate,  
Annur.

**Final Order**

I.A.6/2025 in

O.S. 7/2025

Dated : 22.01.2026.

DM cum JM, Annur.