

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF, CHIDAMBARAM

PRESENT: Tmt. SUGANIYA SRI B.A.B.L (Hons), M.L., PGDAML

PRINCIPAL DISTRICT MUNSIF, CHIDAMBARAM

THURSDAY, THE 13th DAY OF JULY 2023

IA.NO. 341/2020 IN OS. 157/2019

S.Sankara Narayanan

..... Petitioner/ Plaintiff

/Vs/

1. The District Collector, Cuddalore
2. The Revenue officer, Cuddalore
3. The Revenue Divisional Officer, Chidambaram
4. The Tahsildar, Chidambaram
5. S. Gopalakrishnan
6. S. Pazhanivel
7. S. Muthukrishnan
8. S. Vadivelu
9. S. Ramalingam
10. T, Murugan

....Respondents/ Defendants

For Petitioner	Thiru.S.Venkatesan, Advocate
Respondents	Thiru.K.S.Elangovan, Advocate Exparte for non filing of counter
Relief Claimed	Petition filed under Order 6 Rule 17 of CPC to amend the plaint so as to include the boundaries for suit items 1 and 2.
Final Hearing	12.6.2023

Upon hearing the arguments of petitioner and respondents and on perusal of the entire records and having stood over for consideration till this day, this court delivers the following

ORDER

The case of petitioner:

1. The petitioner is the plaintiff and Respondents are defendants in the suit. The suit is filed for the relief of declaration of title, permanent injunction, and for mandatory injunction directing respondents 1 to 4 to enter his name in the revenue

records in respect of the suit properties. The suit 1st item is located in RS.NO.135/1 to an extent of A0.50 cents out of A0.95 cents. The Suit 2nd item is located in R.S. NO. 134/1 to an extent of A 0.15 cents out of A1.37. The Sub-Divisions of these two Survey Numbers has taken place during the updation of revenue records. The S.No.135/1 has been subdivided as R.S.No. 135/1A and R.S. NO.135/1B and the plaintiff is entitled to A0.50 cents in R.S. No. 135/1A which is 1st item of suit.

2. Furthermore, the property to an extent of A 0.15 cents claimed by the petitioner is situated in RS NO.134/1B and it is 2nd item of suit, which is on the immediate east of situate in R.S.NO.134/1A and the boundaries for the both the items have not been given in the plaint schedule of property and therefore, the mistake has to be rectified. The amendment is absolutely essential to avoid problems that may arise to identify the property. The amendment sought for do not make any change in the basis of neither the claim nor the relief. Hence, this petition.

3. Respondents were set Exparte for non filing of counter.

4. Now the point for consideration is whether the petitioner is entitled to get the relief as prayed for?

5. On the side of both parties, no oral and documentary evidence was let in.

Points for consideration:

6. Heard the petitioner side learned counsel. Material records perused. This is the suit filed for the relief of declaration, for permanent injunction against 5 to 10 defendants and mandatory injunction against 1 to 4 defendants. According to the plaintiff, he has omitted to mention the boundaries for 1st and 2nd item of suit property and therefore has come up with this amendment petition. In the considered view of this court, the proposed amendment will not constitute a new cause of action or alter the existing cause of action and the trial in the suit has also not commenced. It is for the plaintiff to prove his case on the basis of plaint and

plaint documents. Considering the facts and circumstance of the case and the limited prayer sought for in this petition, this court is inclined to allow this petition to avoid multiplicity of proceedings and to render substantial justice.

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

Dictated to the steno-typist, transcribed by her and typed in computer, corrected and pronounced by me in the open court this the 13th day of July 2023.

(Sd/-S.Suganiasri)
PRINCIPAL DISTRICT MUNSIF,
CHIDAMBARAM.

List of witnesses and documents on the side of the petitioners:

NIL

List of witnesses and documents on the side of the respondents:

NIL

(Sd/-S.Suganiasri)
PRINCIPAL DISTRICT MUNSIF,
CHIDAMBARAM.