

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
AT CHENGALPATTU

Present: Thiru.A.Saravanakumar.,B.A.B.L.,
Additional District Judge,
Chengalpattu.

Monday, the 14th day of July 2025

I.A.No.11/2024 in O.S.No.205/2012

Dilip

...Petitioner/ 3rd Plaintiff

-Vs.-

1. P.S.Nagappan
- 2.S.Muniammal
- 3.N.Gowriraj
- 4.T.Devi
- 5.S.Devikala
- 6.S.Devanayaki
- 7.N.Bharathi
- 8.E.Vasanthi
- 9.S.Pramila
10. V.Dhanraj

...Respondents/ Defendants

These Petitions coming before this court on 14.07.2025 for final hearing in the presence of M/s.Stephen.C.Kumar counsel for the Petitioner/3rd Plaintiff and M/s.S.N.Subramani and E.Anusya, counsels for the Respondents/Defendants and upon hearing the arguments of both sides and perusing the material records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

The petition filed under order 6 Rule 17 of CPC to order to amend the plaint as detailed given in the petition and permit the petitioner to amend the same and pass other order.2

1. The petition and counter perused.

2. Both sides heard.

3. The points for consideration:

Upon perusing the petitions and counters this court has framed the following point for consideration in common:

“Whether the petitions are to be allowed as prayed for”?

4. Answer to the point:

This is an application under Order 6 Rule 17 of CPC to bring the certain amendments as per the details stated in the particulars of amendment. The petitioner contends that the original suit is filed for the declaration of sale deed as null and void and also preliminary decree for partition. While so, while preparing the plaint, the share of the plaintiffs are omitted to be mentioned improperly. Therefore it is the contention of the petitioner that the amendment petition may be allowed.

5. The 3rd to 9th respondents have filed detailed counter stating that the averment stated in the petition is not genuine and the petitioner has filed the petition as belated stage and the 3rd to 9th respondents submitted that the petition may be dismissed.

6. Having regards to the facts and circumstances of the case, it is noticed that the petition is filed under Order 6 Rule 17 CPC. The Order 6 Rule 17 consists of two parts. The 1st part states that if the petitioner needs amend the petition before the trial has commenced, the court has liberally consider the same, if the application for amendment is necessary for decide and real dispute between the parties. If the application is filed after the trial

has begun, the petitioner has to prove that in despite of due diligence, he cannot bring the amendment to the court. The perusal of records would go to show that it is only a pre trial amendment. The petitioner submits that the share is improperly calculations. Considering the facts and circumstances of the case and also of the fact that it is a pre trial amendment, this court is inclined to allow the application.

In the result, the petition is allowed. No cost.

Dictated to the Shorthand writer and typed by her and corrected and pronounced by me in open Court, this the 14th day of July 2025.

Additional District & Sessions Judge
Chengalpattu.

Both sides Exhibits and Witnesses: Nil

Additional District & Sessions Judge
Chengalpattu.

Draft/Fair Order
I.A.No.11/2024 in
O.S.No.205/2012
Dated:14.07.2025
ADJ/CPT
