

IN THE COURT OF THE DISTRICT MUNSIF, SATHYAMANGALAM

**Present: Tmt.S.Susila B.A.,B.L.,
District Munsif, Sathyamangalam.**

Tuesday the 10th day of March 2026

I.A.No: 12/2026 in O.S.No:33/2017

1. Ponnusamy (died)
2. Ponnammal
3. M.Vadivel
- 4.Lakshmi
5. Baby
6. Rajeswari
7. Sathya
8. Vadivel

..... Petitioners / Plaintiffs

/Vs/

1. Ramasamy
2. Venkatesan
3. Rasu (died)

..... Respondents/Defendants

This petition came up for final hearing on 03.03.2026 in the presence of Tmt.S.Helen Elizabeth, Advocate for the Petitioners / Plaintiffs and Thiru.S.A.Mohamed Mubarak, Advocate for the 1st and 2nd Respondents / Defendants, and upon hearing both the sides and on perusal of the case records and having stood over for consideration till this day, this court delivers the following.

1. ORDER

This petition has been filed by the petitioner U/O 6 Rule 17 Sec.151 of CPC to amend the plaint and award the cost.

2. THE CRUX OF THE PETITION :-

The petitioner has filed a petition seeking amendment of the plaint. The petitioners mentioned that during the cross-examination of PW-1 certain questions

were raised regarding the adjacent property situated on the western side of the 2nd item of the suit property. It is stated that the 3rd plaintiff had purchased an extent of 70 cents under a registered Sale Deed in Doc.No.3041/2018 dated 21.05.2018 and therefore the plaint has to be amended to clarify the said facts.

3. THE CRUX OF THE 2nd RESPONDENT COUNTER . THE SAME WAS ADOPTED BY 1 RESPONDENTS:

The petition is false, frivolous, and not maintainable in law or on facts. The petition is strongly opposed by the 2nd respondent/defendant contending that the said purchase was made during the pendency of the suit and the property not related to the suit property. It is further contended that the amendment is sought on the basis of a subsequent document executed after the institution of the suit and after the Advocate Commissioner's inspection and therefore the petition is not maintainable. Hence, the respondents pray to dismiss the petition with costs.

4. No oral and documentary evidence were marked on both side.

5. POINTS FOR CONSIDERATION

Whether this petition filed for seeking amend the plaint Under/Order 6 Rule 17 has to be allowed or not?

5.1 This petition has filed by the petitioners/plaintiffs seeking permission to amend the plaint. The petitioners contend that during the cross-examination of PW-1 certain questions were raised regarding the adjacent property situated on the western side of the 2nd item of the suit property. It is stated that the 3rd plaintiff had purchased an extent of 70 cents under a registered Sale Deed in Doc.No.3041/2018 dated 21.05.2018 and therefore the plaint has to be amended to clarify the said facts.

5.2 The 2nd respondent/defendant strongly opposed and contending that the said purchase was made during the pendency of the suit and the property sought to be amendment is not related to the suit property. It is further contended that the amendment is sought on the basis of a subsequent document executed after the institution of the suit and after the Advocate Commissioner's inspection and therefore the petition is not maintainable.

5.3 Heard both sides and perused the materials available on record. The suit has been filed by the petitioners / plaintiffs for the relief of declaration and remove the encroachment and deliver the possession to the petitioners and permanent injunction against the respondents. The suit of the year 2017 and the Advocate Commissioner had already inspected the property on 25.06.2017. The document relied upon by the petitioners is a Sale Deed dated 21.05.2018, which was executed during the pendency of the suit. The proposed amendment seeks to introduce pleadings relating to a property which is admittedly not part of the suit property.

5.4 The amendment sought for is based on a subsequent transaction and relates to an independent property having no nexus with the subject matter of the suit. Now the case posted for argument. The amendment is sought in order to answer the question put to PW1 during cross examination. The timing and nature of the amendment would clearly indicate that the petitioners intend to fill up the lacuna. It is settled law that amendment of pleadings cannot be permitted for the purpose of curing defects or filling up lacuna that has arisen during the course of trial. Allowing such amendment would enlarge the scope of the suit and change the nature of the original pleadings. Therefore, the proposed amendment is neither necessary nor relevant for deciding the real controversy involved in the suit.

6. In the result, the petition is dismissed without cost.

Dictated to the Steno-typist, typed by him directly in computer, corrected, printed and pronounced by me in open court on this the 10th day of March 2026.

District Munsif,
Sathyamangalam.

Petitioner side exhibits marked:- - Nil -

Respondents side evidence and exhibits marked:- -Nil-

District Munsif,
Sathyamangalam.

FAIR ORDER
I.A.12 / 2026
in
O.S.33/2017
10 / 03 / 2026