

IN THE COURT OF THE DISTRICT MUNSIF, SATHYAMANGALAM

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

Monday the 03rd day of November 2025

I.A.No: 11/2025 in O.S.No:93/2013

Perumal Petitioner / Plaintiff

/Vs/

1. Thangaraj
2. Chinraj
3. V.C.Nandhakumar Respondents/Defendants

This petition came up for final hearing on 25.10.2025 in the presence of Tmt.K.Shanthi Advocate for the Petitioner/Plaintiff and Thiru.A.Sivakumar Advocate for the 1st Respondent / Defendant, and of Thiru.S.A.Mohamed Mubarak, Advocate for the 2nd Respondent / Defendant, and of Thiru.A.K.Prakash Advocate for the 3rd Respondent / Defendant, 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 to include a relief of declaration of title to the suit property. The petitioner has contended that the amendment is necessary for a proper and complete adjudication of the matter and that non-inclusion of the relief earlier was inadvertent, if the amendment is not allowed, he would suffer hardship and irreparable loss.

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

The petition is false, frivolous, and not maintainable in law or on facts. The petitioner has not furnished any valid reason or ground for seeking amendment of the plaint. The relief of declaration of title now sought is barred by limitation as the suit was filed in the year 2013 and the trial is already in progress. The petitioner has purposely omitted to value the relief of declaration of title and failed to pay the prescribed court fee, rendering the petition defective. The petition has been filed with malafide intention only to prolong the proceedings. Hence, the respondents prays 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?

This petition has been filed by the petitioner/plaintiff under Order VI Rule 17 CPC seeking permission to amend the plaint as to include a prayer for declaration of his title to the suit property. The 2nd respondent has filed a counter objecting that the petition is not maintainable either in law or on facts, that the proposed amendment introduces a new and inconsistent cause of action, that the relief of declaration is barred by limitation, and that the petitioner has failed to value the relief properly and pay the requisite court fee. On perusal of the records, it is seen that the present suit was filed in the year 2013 and now the suit is pending for trial and the suit is pending for more than 10 years. Now The amendment sought by the petitioner / Plaintiff at this belated stage would change the nature and character of the original suit and introduce a new cause of action which is barred by limitation. In this regard the apex court in the case of,

“ TLNJ 513 (Civil) Ashok Kumar – Vs – Ramar 2018, has held that,

“No amendment should be entertained (1) When the nature if it is changed by permitting the amendment (2) When amendment petition defeats the law of limitation “

the aforesaid authority squarely apply to the facts of the case. Further, the petitioner has not shown any sufficient reason or cause for not including the prayer for declaration at the time of filing the suit. The proposed amendment cannot be permitted and it is clearly barred by law. Considering the facts and submissions, this Court finds no valid ground to allow the amendment sought for by the petitioner. Hence this court not inclined to allow this petition.

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 03rd day of November 2025.

District Munsif,
Sathyamangalam.

Petitioner side exhibits marked:- - Nil -

Respondents side evidence and exhibits marked:- -Nil-

District Munsif,
Sathyamangalam.

FAIR ORDER
I.A.11 / 2025
in
O.S.93/2013
03 / 11 /2025