

IN THE COURT OF THE DISTRICT MUNSIF, SATHYAMANGALAM

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

Tuesday the 07th day of April 2026

I.A.No: 17/2026 in O.S.No:254/2015

1. Subbammal (died)
2. Revathi
3. Nagarathinam

..... Petitioners / Plaintiffs

/Vs/

1. K.Nanjaiyan
2. Ramasamy (died)
3. Kannammal
4. Aaruvathi
5. Savithri (died)
6. Prakash

..... Respondents/Defendants

This petition came up for final hearing on 27.03.2026 in the presence of Thiru.C.M.Shanmugam, Advocate for the Petitioners / Plaintiffs and Thiru.R.Santha Moorthy, Advocate for the 1st, 3rd, 4th and 6th Respondents / Defendants, 2nd and 5th respondents died 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 petitioners U/O 6 Rule 17 Sec.151 of CPC to amend the plaint and award the cost.

2. THE CRUX OF THE PETITION :-

The original suit was filed by the petitioners / plaintiffs for the relief of declaration and partition against the respondents / defendants. The petitioners have

filed a petition seeking amendment of the plaint. Now, the case was posted for arguments. during the cross examination of D.W.1, it was admitted that the property in S.F.No.347/6 measuring 0.44.5 hecrates situated at Ikkaraithathapalli, is the ancestral property of the defendant. Hence, the petitioners seeks to include the survey number in the plaint schedule by way of amendment.

3. THE CRUX OF THE COUNTER STATEMENT:

The petition is false, frivolous, and not maintainable in law or on facts. S.F.No.347/6 property since not belonged to neither the plaintiffs nor the defendants. The respondents produced the patta and encumbrance certificate of S.F.No.347/6 property stands in the name of one Ponnammal and Parthiban and Devi. There are no merits in this application and therefore the petition is not maintainable. Hence, the respondents prays to dismiss the petition with costs.

4. On petitioners side **Ex.P.1** and **Ex.P.2** documents were marked. No oral and documentary evidence marked on respondents 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 to include the S.F.No.347/6 as part of the suit property.

5.2 The case of the petitioners is that, during the cross examination of D.W.1, it was admitted that the property in S.F.No.347/6 measuring 0.44.5 hecrates situated at Ikkaraithathapalli, is the ancestral property of the defendant. Hence, the petitioners seeks to include the survey number in the plaint schedule by way of amendment.

5.3 Per contra, the respondents / defendants filed a counter contending that S.F.No.347/6 does not belong either to the plaintiffs or to the defendants, but

belongs to one Ponnammal and her two children namely Parthiban and Devi. It is further stated that, the patta and encumbrance certificate stand in the names of the said persons and have been produced along with the counter. Therefore, the property is a third party property and the proposed amendment is not maintainable.

5.4 On consideration of the submissions and material available on record, it is seen that the encumbrance certificate produced by the defendant reveals that the property in S.F.No.347/6 had already been sold by one Nanjegowda to Ponnammal and her childre, namely Parthiban and Devi. Thus, the property no longer remains the undivided or ancestral property of either the plaintiff or the defendant.

5.5 In such circumstance, the inclusion of the said property in the plaint schedule cannot be permitted, as it involves a third party property and would chance the nature of the suit. Further, the suit has already been posted for arguments, and the amendment sought at this belated stage is no justified. Hence, considering the stage of the suit and the nature of the amendment sought, this court is not inclined to allow the 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 07th day of April 2026.

District Munsif,
Sathyamangalam.

Petitioner side exhibits marked:- - Nil -

Respondents side evidence and exhibits marked:- -Nil-

Ex.P.1	18.02.2026	Encumbrance certificate	- Computer copy
Ex.P.2	-----	Patta No.249, S.F.No.347/5, 347/6, 347/7 patta	- Computer copy

District Munsif,
Sathyamangalam.

FAIR ORDER
I.A.17 / 2026
in
O.S.254 / 2015
07 / 04 / 2026