

**IN THE COURT OF DISTRICT MUNSIF UTHANGARAI  
KRISHNAGIRI DISTRICT**

**Present : Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.  
District Munsif, Uthangarai**

On this Wednesday the 5th day of March 2025

**I.A.No. 11 of 2025 in O.S.No. 270 fo 2004**

TNKI13-000006-2004

1. Dhanapal (Died)
2. Mangai
3. Madhu
4. Suresh
5. Tamil

...Petitioners / Plaintiffs

/versus/

1. Duraisamy @ Govindhan
2. Dharman (Died)
3. Alagesan
4. Nadaraj ( Died)
5. Kasiyammal
6. Renuka
7. Nandhini
8. Ashwin
9. Savithree
10. Palani
11. Gokul @ Kutti

...Respondents / Defendants

This interlocutory application came up before this Court on 05.03.2025 for final hearing in the presence of advocate Thiru. S. Moorthi, the learned counsel for the petitioner and advocate Thiru. E. Lakshmanan, the learned counsel for the 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 9<sup>th</sup> & 10<sup>th</sup> respondents and 6<sup>th</sup> to 8<sup>th</sup> & 11<sup>th</sup> respondents set *ex parte* for non-filing for counter and upon hearing both sides and on perusal of records and having stood over for consideration till date, this Court delivers the following:

**ORDER**

This application filed under Order VI Rule 17 of Code of Civil Procedure, 1908 by the petitioners / plaintiffs seeking leave to amend the plaint.

***The averments of the petitioners in brief:***

1. The petitioners herein are the legal heirs of the deceased 1<sup>st</sup> plaintiff who instituted this suit for declaration and perpetual injunction against the respondents. The petitioners aver that the 1<sup>st</sup> plaintiff died on 14.03.2016 during the pendency of the suit and the applications allowing the petitioners herein to be impleaded in the suit have also been allowed and the plaint was also amended consequently. The petitioners aver that the survey number is stated in the 15<sup>th</sup> line in the 4<sup>th</sup> page as S.No. 84/1C, but in the amended copy of the plaint it is incorrectly stated as S.No. 34/1C instead of correct S.No. 84/1C in the 3<sup>rd</sup> line of 6<sup>th</sup> page. The petitioners aver that the above mistake is only an inadvertent typographical error and the same is not wanton. Hence, the petitioners pray for allowing this application to correct the amended the plaint copy.

***The averments of the 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> respondents in brief:***

2. The respondents deny the averments of the petitioners in toto and aver that it is true that the 1<sup>st</sup> plaintiff died on 14.03.2016 during the pendency of the suit leaving behind the petitioners as his legal heirs. The respondents aver that the petitioners have filed this application only with an intention to prevent the respondents from attaining any relief and to make the respondents run from pillar to post. The respondents aver that the petitioners have filed this application only to confuse and prolong the suit proceedings and the petitioners have filed this application after 9 years after the demise of the 1<sup>st</sup> plaintiff in 2016. Hence, the respondents seek for dismissal of the application.

***Point for consideration:***

3. Whether this application is liable to be allowed?

***Evidence:***

4. Neither of the parties to this application has adduced any oral or documentary evidence.

***Discussion:***

5. This Court, having considered the arguments advanced on both sides and thoroughly examined the pertinent case records, proceeds to delineate its findings by the following discussion. This suit has been instituted for declaration of title over the suit 1<sup>st</sup> scheduled property and for perpetual injunction restraining the respondents from interfering with the possession of the suit 1<sup>st</sup> scheduled property and 4/8 right in the suit 2<sup>nd</sup> scheduled well and for partition and separate possession of 4/8 share in the suit 2<sup>nd</sup> scheduled property. This application has been filed by the plaintiffs 2 to 5 who are the legal heirs of the deceased plaintiff who originally instituted this suit. The petitioners seek to amend the amended plaint copy filed pursuant to the order dated 26.02.2024 in I.A.No. 09 of 2024. The reasons stated by the petitioners are that the survey number in the 5<sup>th</sup> paragraph is stated incorrectly as S.No. 34/1C instead of correct S.No. 84/1C. A perusal of the original plaint would show that there is no survey number as S.No. 34/1C which forms part of the suit properties. Further, the 5<sup>th</sup> paragraph of the original plaint would show that it is S.No.84/1C and not S.No.34/1C. Hence, this Court is of considered view that the same is an inadvertent error which needs to be corrected, and hence, this Court is inclined to allow this application to correct or amend the amended plaint copy without any cost.

***Result:***

6. *As a result, this application is allowed. No cost.*

This order was dictated to the typist and transcribed by her on computer and after rectification of mistakes, pronounced by me in open court on this 5th day of March 2025.

Sd/-  
Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.  
District Munsif  
Uthangarai

**Annexure**

**Petitioner side evidence**

Petitioner side Witnesses: Nil

Petitioner side Exhibits: Nil

**Respondent side evidence**

Respondent side Witnesses: Nil

Respondent side Exhibits: Nil

**Court Documents:** Nil

Sd/-  
Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.  
District Munsif  
Uthangarai