

**IN THE COURT OF THE I ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present: Thiru. R. Sundara Kamesh Marthandan, M.L.,

I Additional District Munsif, Nagercoil
Thursday, on the 20th day of March 2025

I.A. No. 4 of 2024 & I.A. No. 5 of 2024

in

O.S. No. 30 of 2024

(CNR No: TNKK04-000069-2024)

J. Jenova

Represented by Power of Attorney

J.Thatheys

... Petitioners/Plaintiff.

-vs-

1. Indian Oil Corporation Ltd.

Represented by Divisional Retail Sales Head,
Madurai.

2. The Parish of Chinnamuttom Thomas Church,

Represented by Parish Priest,

Rev.Fr.P. Sahaya Vinet Magam

... Respondents/Defendants

These Petitions came before this Court on today i.e 20.03.2025 for final hearing, Mr. S. Muthukaruppa Pillai, Advocate for the Petitioner, Mr. Vaikundamani, Advocate for the 2nd Respondent, 1st Respondent was exparte. Upon hearing both side Counsel and Upon Perusing the case records, this Court hereby delivers the following:

COMMON ORDER

1. The Petitioner had filed the Petition in I.A. No. 4 of 2024 under Order VI Rule 17 and Section 151 Code of Civil Procedure, seeking an order, permitting the Petitioner to amend the Injunction Application I.A. No. 3 of 2024.

The Petitioner had filed the Petition in I.A. No. 5 of 2024 under Order VI Rule 17 and Section 151 Code of Civil Procedure, seeking an order, permitting the Petitioner to amend the Plaintiff.

2. The Petitioner had stated that he had filed the above suit for Permanent Injunction and that the Plaintiff and Injunction Application certain typographical errors have inadvertently occurred. The Village name was mistakenly mentioned as “Kottaram Village” instead of “Kanyakumari Village”. The name of the Petrol bunk wrongly typed as “SMB” instead of “SMP.” The errors are clerical and unintentional. The same, is to be corrected to avoid any confusion. Hence the above Petitions.

3. The 2nd Respondent had filed counter in I.A. No. 4 of 2024 and adopted the same counter in I.A. No. 5 of 2024. The 2nd Respondent had filed counter, stating that the above Petition is not maintainable and have been filed to drag on the case. Even in the details of amendment filed in I.A. No. 4 of 2024, at Point No.2, the Petitioner had wantonly sought to correct Page No.5, 5th Paragraph last line, in fact in Page No. 5 there is no 5th Paragraph. The Petitioner has to file amendment application to amend the details of amendment in I.A. No. 4 of 2024. Only then, the same could be decided. Hence the 2nd Respondent prayed for dismissal of the above Petition.

4. The point for consideration is Whether the above Petitions have to be

allowed or not?

5. The Petitioner had filed the above suit for Permanent Injunction, wherein the Village name and the Petrol bunk name has been wrongly mentioned. The Petitioner had stated that the same is because of typographical error. The 2nd Respondent though objected the amendment applications, had not denied the factum as to the correct name of the Village namely Kanyakumari and the correct Petrol bunk SMP. With regard to the details of amendment Point No.2 in I.A. No. 4 of 2024, this Court has to accede with the 2nd Respondent's Counsel contention.

6. Even in the amendment application, the Petitioner had allowed error to crept in. Since filing Interlocutory Application to amend the Plaint and Interim Injunction application and subsequently the very amendment application warranting will not only protract the suit, but will also consume this Court's time. Hence this Court is of the considered, view while allowin the amendment, by accepting the Petitioner's case that it is typographical error and also for the reason the same will not change the nature of the suit, this Court by invoking Section 151 of Code of Civil Procedure, directs the Petitioner to amend Paragraph 5 last line in Page no. 2 instead of Page no. 5, in I.A. No. 3 of 2024.

In the result,

I.A. No. 4 of 24 is allowed, in so far as Point No. 2 of Details of Amendment, the Petitioner is permitted to amend Paragraph 5 last line in Page No. 2 instead of Page No. 5, in I.A. No. 3 of 2024 on condition, the Petitioner pays a sum of Rs. 750/- (Rupees Seven Hundred and Fifty Only) to the 2nd Respondent on or before

01.04.2025 call on 02.04.2025.

I.A. No. 5 of 24 is allowed on condition, the Petitioner pays a sum of Rs. 750/- (Rupees Seven Hundred and Fifty Only) to the 2nd Respondent on or before 01.04.2025 call on 02.04.2025.

Dictated to the Steno-Typist, transcribed and typed by her, corrected and pronounced by me, in Open Court this, the 20th day of March, 2025.

I Additional District Munsif,
Nagercoil.

Petitioners' side witnesses and documents : Nil.

Respondents' side witnesses and documents : Nil.

I Additional District Munsif,
Nagercoil.

I ADM, Nagercoil
Draft/Fair Common Order
I.A. No. 4/2024 & 5/2024 in
O.S.No.30/2024
Date: 20.03.2025