

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

Present : Selvi. V. Sivaranjani, B.A., L.L.B.,

II Additional District Munsif, Nagercoil
Monday, on the 1st day of September, 2025.

I.A. No.8 of 2025 in O.S.No.38 of 2020

CNR No.TNKK04-000075-2020

1. Murugan

2. Palavesam

(Additional 2nd plaintiff implead as per
order in I.A.No.6 of 2022 dated 01.06.2023 and
amended as per order in I.A.No.7 of 2023
dated 03.01.2024)

... Petitioners / Plaintiffs

-vs-

1. The Assistant Engineer Water Irrigation
Section Mylaudy.

2. The Tahsildar, Agasteeswaram Taluk

3. The District Collector,
Kanyakumari District.

... Respondents /Defendants

This Petition came up before this Court on 28.08.2025 for a final hearing in the presence of Mr. R. Ram Sundar, learned Counsel for the Petitioners / Plaintiffs and Mr. C. Johnson, Government Pleader for the Respondents / Defendants and upon hearing both sides, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:

ORDER

The Petitioners have filed under Order VI Rule 17 and Section 151 of the Code of Civil Procedure, seeking to amend the plaint.

2. Gist of Averments in the Petitioner Petition :

The petitioner herein and the plaintiff in the above suit. The petitioners have filed this suit for permanent injunction and other reliefs. The suit is posted for plaintiff side evidence. The above suit is posted for trial. After, petitioner filled petitioner proof affidavit petitioner went through petitioner proof affidavit, petitioner found that in Para 3 of the plaint the door number of petitioner's house is wrongly mentioned as door No. A/1 and in the 'A' relief the door number of petitioner's house is wrongly mentioned as door No.A1. But the Door number of petitioner's house is 10A(1) . This typical error is made out of oversight and is not wantonly done.

3. The petitioner that the said error has to be corrected before commencing the trial. The correction does not affect the nature of the suit. The correction does not cause any damage to these defendants. Hence, this court to pass on order to correct the error by deleting the word A/1 in para 3 and deleting the word A1 in 'A' relief, before of Marungur Town Panchayath and include the word 10A(1) in both the Para 3 of the plaint and in the 'A' relief, failing which petitioner will be put to irreparable loss and hardships. Hence, this petition is to

be allowed.

4) Gist of the Averments in the Respondents / Defendants Counter:

The Respondents /defendants have filed counter stating that the petition is not maintainable under law and facts. The petitioner is wantonly done this mistake in the plaint. The plaint is wilful negligence on the part of the petitioner. There is no bonafide reason stated in the petition. The petitioner is not come forward with clean hands. The petition is filing the petition to fill up the lacuna of the main suit. In any view of the matter the petition is not maintainable. Hence, to accept the counter and dismissed the petition.

5) The point for consideration is whether the above petition has to be allowed or not?

6) Point:

Heard both sides. Records perused. The petitioner is the plaintiff in the suit filed for permanent injunction and other reliefs. When the case was posted for trial, the petitioner filed the proof affidavit and while going through it, the petitioner came to know that in the plaint, the door number is wrongly mentioned as door No. A/1 and in the 'A' relief, the door number is wrongly mentioned as door No. A1 instead 10A(1). Since the above typographical error is only due to oversight of the petitioner and correcting it would cause no prejudice to the respondent and is necessary for proper adjudication, this court is

inclined to allow this petition.

In the result, this petition is allowed. No cost.

Dictated to the steno-typist, typed by her in the Computer directly, printed, corrected and pronounced by me in open court this the 1st day of September, 2025.

II Additional District Munsif
Nagercoil.

List of witness and documents for Petitioners side : Nil

List of witness and documents for Respondents side : Nil

II Additional District Munsif
Nagercoil.

*II ADM, Nagercoil.
Draft/Fair Order
I.A.No.8/2025 in
O.S.No.38/2020
Date: 01.09.2025.*