

**IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF,
NAGERCOIL.**

Present : Tmt. M.Alima, B.A., L.L.M.,
Principal District Munsif, Nagercoil.
Thursday, on the 6th day of February, 2025.

**I.A. No.11 of 2025 in
O.S.No.71 of 2018**

1. Gnana Malar
2. Anisha Rose
3. Ancellin Rose ... Petitioners / Plaintiffs

-vs-

G. Devadhas ... Respondent / Defendant

This petition came before this court on 04.02.2025 for a final hearing in the presence of Mr. Anand A. Wilson Advocate for the Petitioners / Plaintiffs, and in the presence of Mr. C. Ashok Kumar Advocate for the Respondent/defendant 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 petitioner has filed the above petition under Order VI Rule 17 and Section 151 of the Code of Civil Procedure, seeking to amend the plaint of the defendant's name as G. Devadas instead of G.M.D. Raj and thus render justice.

2) Gist of Averments in the Petitioners/Plaintiffs Petitions:

The Petitioner is the 1st Plaintiff in this suit. The petitioner state the plaint schedule property which is having an extent of 1.875 cents land in R.S.No.961/13, 2 of Azhagappapuram Village (now Anjugramam) originally belongs to one G.R. Amal Raju who is the husband of 1st petitioner and father of petitioners 2 and 3. He got right, title over the plaint schedule property under a sale deed 730/2006 dated 10.02.2006 of Kottaram Sub Registrar. This plaint 'A' scheduled property is shown as the ABCD in the rough plan. The 1st petitioner's husband and father of petitioners 2 and 3 G.R. Amal Raju died on 09.03.2018. He died intestate leaving behind petitioners as legal heirs. The petitioners submit that the defendant's counsel gave a memo stating that the defendant correct name is G. Devadas and not G.M.D. Raj as stated in the plaint. In the plaint it is wrongly typed as G.M.D.Raj it is due to oversight and typographical error and it has to be amended as G.Devadas. The petitioners submit that error is not intentional. It is only accident error. If the amendment application is not allowed, petitioners will be put into irreparable loss and damages. Hence, this petition is to be allowed.

3. Gist of Averments in the Respondent's Counter:

The respondent/defendant had filed a counter stating that the petition is liable to be dismissed off. The Respondent submit that the petitioner/plaintiff

already filed the amendment petition in I.A.No.10/2023. The petitioner/plaintiff well know “that the defendant's name is Devadas, the petitioner/plaintiff is wontedly transformed the Respondent name as GMD. Raj and filed Amendment petition, This court pleased to dismiss I.A.No.11/2025 Petition with the comment that filing the petitions in lethargic manner, without verifying their own pleadings” as to be condemned. Hence, this court is of the considered view that the above the petition has to be dismissed with the costs. The averment stated in para 3 of the affidavit is only admitted that the respondent counsel presented a memo stating that the respondent correct name is G. Devadas and not G.M.D. Raj as stated in the plaint. The Respondent denied this point in the plaint is wrongly typed as G.M.D. Raj it is due to oversight and typographical error and it has to be amended as G. Devadas. Respondent stated it is not a typographical mistake the petitioner well know the respondent name G. Devadas the petitioner wontedly transformed the respondent name as G.M.D. Raj and damaging the name of the respondent and confusing the court and fashioning fantasy story with this affidavit and petition. The averment stated in para 3 of the affidavit is denied the petitioner is purposely changed the respondent name as G.M.D. Raj in the plaint it not an accident error. The petitioner misleading the court with this affidavit with petition hence the court dismiss the petition with cost. The petition lacks of bonafides and the petition is lack of merits hence this petition is pointless one. The petition lacks bonafide. The petition is absent of

merits. The respondent respectfully submits that the petitioner has not file this petition on any bonafide grounds. The respondent deny all averments of the affidavit and the same are made for the purpose of the present application. The petitioner having failed to prove the bonafides cannot seek for the relief sought for. Hence, the respondent pray that to accept this counter and dismiss the petition with costs.

4) The point for consideration is whether the above petitions have to be allowed or not?

5) Point:

Heard. Records perused. The petitioners stated that the proposed amendment is wrongly typed as G.M.D.Raj it is due to oversight and typographical error, and it has to be amended as G. Devadas. On the other hand, the respondent stated that the petitioner/plaintiff well know that the defendant's name is Devadas, the petitioner/plaintiff is wontedly transformed the Respondent name as GMD. Raj and filed Amendment petition, This Petition with the comment that filing the petitions in lethargic manner, without verifying their own pleadings as to be condemned.

6) On perusal of the records, it is revealed that the proposed amendments are only to rectify the typographical error. Further, it is admitted that the respondent counsel presented a memo stating that the respondent's correct name is G. Devadas and not G.M.D. Raj as stated in the plaint. Hence this application

is filed by the petitioner. There is no prejudice on the other side for this amendment. The reasons contained in the affidavit are satisfied and acceptable. In such circumstances, this court is inclined to allow this petition on conditional cost.

7) As a result, this petition is allowed on the condition that the petitioners shall pay a sum of Rs.500/- (Rupees Five Hundred only) payable to the respondent on or before 27.02.2025; otherwise, this petition would be dismissed. Call on 27.02.2025.

Dictated to the Steno-Typist, and typed by her directly in the Computer, corrected and pronounced by me, in open court this, the 6th day of February 2025.

Principal District Munsif,
Nagercoil.

Petitioners side witnesses and documents : Nil.

Respondent side witnesses and documents : Nil.

Principal District Munsif,
Nagercoil.

Draft/Fair Order
I.A.No.11/2025 in
O.S.No.71/2018
Date: 06.02.2025

