

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

Present: **Thiru. R.Sundara Kamesh Marthandan, M.L.,**  
Principal District Munsif, (FAC) Nagercoil.

Monday, on this the 10<sup>th</sup> day of April 2023

**I.A. No.1 of 2019**

**in**

**O.S. No. 223 of 2018**

Pugazh Veerapandian

... Petitioner/Plaintiff

-Vs-

1. N. Subramonian

2. R. Chellapandian

3. N. Rama Prakash

4. B. Bala Murugan

5. J. Rajeshwari

... Respondents/Defendants

This Petition came up before me on 16.11.2022 for final hearing in the presence of Mr.A.Ravindran, Advocate for the Petitioner/Plaintiff and Mr.A.Subramanian, Advocate for the 1<sup>st</sup> Respondent/Defendant and the 2<sup>nd</sup> to 4<sup>th</sup> Respondents/Defendants were set exparte and upon hearing the Petitioner's and Respondents' Counsel and upon perusing the case records and having stood over for consideration till this day, this Court hereby delivers the following:

**ORDER**

1. The Petitioner has filed the above petition under Order VI Rule 17 and Section 151 CPC seeking an order to amendment the plaint

2. The Petitioner had stated that he has filed the above suit for declaration

of title and for recovery of possession from the 1<sup>st</sup> defendant and for other relief. In the Western Boundary, the name has been wrongly stated as Balasubramonian instead of Nadachi Thangam. Similarly, in the Southern boundary the name has been wrongly stated as Thurai Nadar and Chella Thangam instead of Anna Sreemathi and Chandrasekar.

3. Further the Petitioner has stated that in the Western boundary it has been wrongly spelt as Ramaprakash along with 1<sup>st</sup> Defendant property instead of Ramaswamy and 1<sup>st</sup> defendant property. Hence the said name Ramprakash has to be deleted in the short cause title and in the long cause title and the parties namely defendants 4 and 5 have to be rearranged as Defendants 3 & 4. The said amendment is necessitated because of inadvertence. The said amendment will not cause any prejudice to the respondent on the other hand the proposed amendment is not allowed, the Petitioner will be put to serve irreparable, loss and damages.

4. The 1<sup>st</sup> Respondent in his counter had stated that the Petitioner had made inconsistent pleading in the affidavit as well as in the proposed amendment particulars. As such the petitioner is not entitled for the Petition relief. The above Petition is inconsistent with the affidavit filed in support of the above petition, as such the same is not entertainable. The Petitioner is liable to be produce relevant documents to clarify the boundaries. Hence the above Petition is liable to be dismissed.

5. The point for consideration is whether the above petition is liable to be

allowed or not?

6. The Petitioner in the above petition has sought for the following amendments:-

“ 1. In the southern boundary the name Thurai Nadar and Chella Thangam has to be deleted and insert as Anna Sreemathi and Chandra Sekar.

2. In the western boundary “Next to the word Ramaswamy the word Now in he name of Ramaprakash” has to be deleted and insert as Thanga Nadachi, W/o. Ramaswamy and 1<sup>st</sup> defendant’s property.

3. In the long cause title and the short cause title the 3<sup>rd</sup> defendant Ramprakash has to be totally deleted and the subsequent parties 4<sup>th</sup> defendant has to be renumbered as 3<sup>rd</sup> defendant and the 5<sup>th</sup> defendant has to be renumbered as 4<sup>th</sup> defendant in the short cause title and in the long cause title.”

7. Though the petitioner had filed the above petition under Order VI Rule 17, CPC, the 3<sup>rd</sup> amendment sought for, is deletion of a party from the Plaint. The Plaintiff had arrayed one N.Rama Prakash, S/o.Narayana Vadivu, aged 32 years, residing at Door No.3/23, North Street, Swamy Thoppu and Post, North Thamaraikulam Village, Agasteeswaram Taluk as the 3<sup>rd</sup> Defendant. Now the Plaintiff wants the 3<sup>rd</sup> Defendant, to be entirely deleted from the short cause title as well as long cause title of the Plaint and that the original 4<sup>th</sup> and 5<sup>th</sup> Defendants have to be rearranged as 3<sup>rd</sup> and 4<sup>th</sup> defendants.

8. Further the Petitioner has stated that the name Rama Prakash has been wrongly spelt and for that reason his name has to be deleted by way of

Amendment. On perusal of the suit docket, it would be seen that the 3<sup>rd</sup> defendant was served with the suit summons and the 3<sup>rd</sup> Defendant had also entered appearance, through his counsel. The said amendment seeking to delete the 3<sup>rd</sup> defendant name, by invoking Order VI Rule 17 CPC is not legally tenable.

9. Further with regard to the first two proposed amendments the Petitioner had stated that the boundary was wrongly mentioned by way of inadvertence. Now by the proposed amendment, the Petitioner wants to rectify the said error. Allowing the said two amendments will not alter the nature of the suit. Further as trial has not commenced, this Court considers that the above petition in so far as the first two portions of amendment could be allowed.

In the result, the above petition is partly allowed i.e. Particulars of Amendments Point 1 & Point 2 are allowed and Point 3 is dismissed. No order as to cost.

Dictated to the Steno typist, and typed by her, directly in Computer corrected and pronounced by me in Open Court this, the 10<sup>th</sup> day of April, 2023.

Principal District Munsif, (FAC)  
Nagercoil.

Petitioner side witnesses and documents :- Nil

Respondents side witnesses and Documents :- Nil

Principal District Munsif, (FAC)  
Nagercoil.

Fair/ Draft Order  
I.A.No.1 of 2019  
in  
O.S. No.223 of 2018  
Date: 10.04.2023.  
PDM, Nagercoil.