

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

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

II Additional District Munsif, Nagercoil

Friday, on the 31<sup>st</sup> day of October, 2025.

I.A. No.5 of 2025 in O.S.No.11 of 2020

CNR No.TNKK04-000319-2019

Michael Chara Sekar Plaintiff is rep. by

his Power holder M. Joseph Jaineus ... Petitioner / Plaintiff

-vs-

1. Edwin Greevin Rajan
2. Michael Vency Vijay
3. The Azhagappapuram Town Panchayat  
rep.by the Executive Officer
4. Julian Cyril

... Respondents /Defendants

This Petition came up before this Court on 29.10.2025 for a final hearing in the presence of Mr. C. Ashok Kumar, learned Counsel for the Petitioner / Plaintiff and Mr. D. Vijay Antony, learned Counsel for the 1<sup>st</sup> respondent and Mr. C. Johnson, learned Counsel for the 3<sup>rd</sup> Respondent / 3<sup>rd</sup> Defendant, endorsed “ No counter ” and Mr. Udayakumar, learned Counsel for the 4<sup>th</sup> respondent, 1<sup>st</sup> and 4<sup>th</sup> Respondents, counter not filed, set exparte and 2<sup>nd</sup> Respondent was set exparte in the suit 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 had filed under Order VI Rule 17 of the Code of Civil Procedure, seeking to amend the plaint schedule property column as Re.Sy.No.148/1B instead of Re.Sy.No.388/8B as sought for below.

2. Gist of Averments in the Petitioner's Petition :

The petitioner is the power of attorney of the petitioner / plaintiff and petitioner was conversant with the facts and circumstances of the case. The petitioner has filed this suit for demarcation and permanent injunction and mandatory injunction against the respondents. The petitioner is the owner of an extent of 0.850 cents in Re.Sy.No.148/1B of Azhagappapuram Village within Agasteeswaram Taluk. The petitioner has purchased the petition schedule property from the 2<sup>nd</sup> defendant on 29.09.2009. At the time of purchase the property comprised in Re.Sy.No.148/1 of Azhagappapuram Village. The petitioner has effected mutation of their names in the revenue records and has been paying the tax to the Government. The petitioner has taken steps to sub-divide the property from the rest of the property and the plaintiff's property has been sub-divide as Re.Sy.No.148/1B of Azhagappapuram Village. The above said property is the petition schedule property in the suit. The petitioner has been possessing and enjoying the petition schedule property from the date of purchase.

3. It is very pertinent to note herein that after filing of the suit the 1<sup>st</sup> respondent herein filed as I.A.No.2/2021 for rejecting the plaint under order 7 Rule 11 and this court rejected the plaint and therefore the petitioner preferred appeal against the rejection of plaint as A.S.No.41/2023 before the II Additional Sub Court at Nagercoil and the appeal was allowed by the II Additional Sub Court at Nagercoil on 16.04.2025 and thereafter the petitioner has been informed about this case.

4. Now the case is posted for trial and during the preparation of proof affidavit the petitioner came to know that there is typographical error in the schedule property column line 4. In line 4 it has been typed as Re.Sy.No.388/8B instead of Re.Sy.No.148/1B. The typing of Re.Sy.No.388/8B is only a typographical error and the same to be amended otherwise it will cause prejudice and the amendment sought for herein is no way prejudice the case of the respondents and also change the character of the suit. Hence this petition is to be allowed.

5. The 3<sup>rd</sup> respondent counsel endorsed “No counter” in this petition. 1<sup>st</sup>, 2<sup>nd</sup> and 4<sup>th</sup> respondents were set exarte.

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

7. Point:

Heard both sides. Records perused. The petitioner is the power of attorney of the petitioner / plaintiff filed the suit for demarcation, Permanent injunction and Mandatory injunction. The petitioner stated that petitioner is the owner of an extent of 0.850 cents in Re.Sy.No.148/1B of Azhagappapuram Village within Agasteeswaram Taluk. The petitioner has purchased the petition schedule property from the 2<sup>nd</sup> defendant on 29.09.2009. At the time of purchase the property comprised in Re.Sy.No.148/1 of Azhagappapuram Village. The petitioner has effected mutation of their names in the revenue records and has been paying the tax to the Government. The petitioner has taken steps to sub-divide the property from the rest of the property and the plaintiff's property has been sub-divided as Re.Sy.No.148/1B of Azhagappapuram Village. The above said property is the petition schedule property in the suit. The petitioner has been possessing and enjoying the petition schedule property from the date of purchase.

8. It is very pertinent to note herein that after filing of the suit the 1<sup>st</sup> respondent herein filed as I.A.No.2/2021 for rejecting the plaint under order 7 Rule 11 and this court rejected the plaint and therefore the petitioner preferred appeal against the rejection of plaint as A.S.No.41/2023 before the II Additional Sub Court at Nagercoil and the appeal was allowed by the II Additional Sub Court at Nagercoil on 16.04.2025 and thereafter the petitioner has been

informed about this case.

9. Now the case is posted for trial and during the preparation of proof affidavit the petitioner came to know that there is typographical error in the schedule property column line 4. In line 4 it has been typed as Re.Sy.No.388/8B instead of Re.Sy.No.148/1B. The typing of Re.Sy.No.388/8B is only a typographical error.

10. Since the above typographical error is only due to oversight of the petitioner and correcting it would cause no prejudice to the respondents 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 31<sup>st</sup> day of October, 2025.

II Additional District Munsif  
Nagercoil.

List of witness and documents for Petitioner 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.5/2025 in  
O.S.No.11/2020  
Date: 31.10.2025.*