

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

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

II Additional District Munsif, Nagercoil.

Thursday, on the 16th day of July, 2026.

I.A. No. 7 of 2026 in O.S. No. 15 of 2024

CNR No.TNKK04-000037-2024

Syma Thaslin rep. by its

Power of Attorney Bilal

... Petitioner / Plaintiff

-VS-

Ansari

... Respondent / Defendant

This petition came before this court on 08.07.2026 for a final hearing in the presence of Mr. A. Vimalan, Advocate for the Petitioner / Plaintiff and Mr. S. Nagarajan, Advocate for the Respondent / Defendant, counter not filed, set exparte and upon hearing petitioner side and upon perusing the case records and having stood over for consideration, till this day, this Court delivers the following:-

ORDER

The petitioner has filed the above petition under Order VI Rule 17 and Section 151 of Code of Civil Procedure, seeking to amend the plaint.

2) Gist of Averments in the Petitioners Petition :

The petitioner is the power agent of the plaintiff and is well acquainted with the facts and circumstances of the case. The plaintiff has instituted the suit against the defendant seeking the reliefs of declaration, Permanent injunction, Mandatory injunction and other consequential reliefs.

3. It is further submitted that the suit schedule properties were inspected by the Advocate Commissioner on 08.03.2025, and measurements were taken with the assistance of the Agastheeswaram Taluk Surveyor. Thereafter, the Advocate Commissioner filed his report and plan before this court. In the said report, the Commissioner has specifically pointed out the encroachment and construction put up by the defendant in the plaint 'A' schedule property. The report also specifically mentions the measurements of the alleged unauthorised construction in the plaint 'B' schedule property, including its length and the width of the pathway. In view of the particulars now brought on record through the Commissioner's report and plan, it has become necessary to amend the plaint by incorporating the said details. Further, at the time of filing the suit, the plaintiff was of the view that a relief of fixation of boundaries was not necessary. However, in the light of the Commissioner's report regarding the suit properties, such a relief has now become essential, considering the nature of the dispute. Hence, the plaintiff seeks to amend the plaint by

incorporating the said relief as well.

4. The proposed amendments do not alter the nature or character of the suit in any manner. Therefore, it is just and necessary that this court permit the amendment as prayed for. If the amendment is refused, the plaintiff would be put to great hardship and irreparable loss, which cannot be adequately compensated in terms of money. Hence, this petition is to be allowed.

5. The Respondent / Defendant was set exparte in this petition.

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

7. Heard the learned counsel for the petitioner. Perused the records. The petitioner is the plaintiff in the suit instituted for the reliefs of declaration, permanent injunction, mandatory injunction, and other consequential reliefs. The present petition has been filed seeking amendment of the plaint.

8. On a perusal of the petition, it is seen that an Advocate Commissioner appointed by this Court inspected the suit properties and filed a report and plan. The Commissioner's report discloses the measurements of the length and width of the plaint 'B' schedule pathway, the alleged unauthorised construction put up in the plaint 'A' and 'B' schedule properties, and other relevant particulars. The petitioner, therefore, seeks to incorporate these particulars in the plaint and also seeks to include the additional relief of fixation of boundaries.

9. It is seen that most of the factual particulars sought to be incorporated by way of amendment had already been pleaded in the plaint but were struck out in the original pleading for reasons best known to the plaintiff. Incorporating those averments at this stage would not alter the nature and character of the suit and would not cause any prejudice to the defendants.

10. In so far as the proposed relief of fixation of boundaries is concerned, this court is of the view that the said relief has become necessary in the light of the Advocate Commissioner's report. Permitting the amendment would enable the entire dispute between the parties to be adjudicated in the same suit and would avoid multiplicity of proceedings.

11. It is also pertinent to note that the defendants have been set ex parte and the trial has not yet commenced. The proposed amendment is, therefore, a pre-trial amendment. No prejudice would be caused to the defendants if the amendment is allowed.

12. Accordingly, this court is satisfied that the proposed amendment is necessary for the effective adjudication of the real controversy between the parties. In the interest of justice, the petition is allowed.

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

The Order directly dictated to steno-typist typed in computer, and after making necessary corrections, and pronounced by me in the open court, this the 16th day of July 2026.

II Additional District Munsif
Nagercoil

Petitioner side witnesses and documents -: Nil.

Respondents side witnesses and documents : Nil

II Additional District Munsif
Nagercoil

Draft/Fair Order
I.A.No.7/2026 in
O.S.No.15/2024
Date: 16.07.2026.
II ADM Court, Nagercoil.