

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF
PADMANABHAPURAM.**

**Present: Tmt: S. Immaculate Buddha B.Sc., L.L.M,
Additional District Munsif,
Monday, the 16th day of March 2026**

**I.A No. 03 of 2025
in
O.S No.42 of 2023**

John Rose

... Petitioner/Plaintiff

/Vs. /

1. Jessilet @ Suseelabai
2. Vijayakumar
3. Glori bai
4. Vargese
5. Suresh Kumar
6. Jeevarajan
7. Assistant Executive Engineer, TANGEDCO
8. Executive Engineer, TANGEDCO
9. Superintendent Engineer, TANGEDCO

...Respondents/Defendants

This petition is coming before me for final hearing in the presence of Mr. C. Vijaya Kumar, learned counsel for the petitioner/Plaintiff and Mr. T. Rajaiyan, learned counsel for the respondents/defendants R1 to R6 and Mr. J. Jeba John (Government Pleader), learned counsel for the respondents/defendants R7 to R9. Upon hearing the counsel of both side and on perusal of the records stood over for consideration till this day, this court delivers the following :

ORDER

This petition is filed Under Order VI Rule 17 and Section 151 of Civil Procedure Code to pass an order to amend the plaint.

2. THE AVERMENTS IN THE PETITION IN BRIEF :-

The suit is one for permanent injunction, prohibitory injunction and Mandatory injunction. In the plaint there are certain typographical error crept in with regard the boundaries of the plaint schedule property. Therefore it has become necessary to amend the plaint with regarding the other boundaries and boundaries of the plaint schedule property or otherwise the petitioner will be put to irreparable loss and hardship. Hence, this petition.

3. THE AVERMENTS IN THE COUNTER FILED BY RESPONDENTS R1 TO R6 ARE IN BRIEF :-

The petitioner/plaintiff has filed this vexatious petition to protract the trial. The suit was already posted for trial and the petitioner/plaintiff got several adjournments for trial and finally he filed this interlocutory application for amendment. The amendments sought in this interlocutory application are confusing and misleading. If the amendments are allowed it would alter the entire averments in the plaint. There are numerous amendments sought in the petition which would change the entire structure of the plaint and boundary descriptions. The petitioner/plaintiff has not categorically pleaded the reason for seeking

such amendments which are numerous and confusing. The reason assigned for the amendment application is not reasonable. The amendment application is highly belated and it will to further confusion if allowed. This amendment is not necessary to determine the real question in controversy between the parties in the suit. Hence this petition is liable to be dismissed.

4. THE AVERMENTS IN THE COUNTER FILED BY RESPONDENTS R7 TO R9 ARE IN BRIEF :-

The amendment sought in the application is confusive and it is aimed in changing the nature of the suit. The amendment application is allowed, it will alter the character of the suit and introduce a new cause of action. The amendments sought are numerous and confusive and hence the amendment application is liable to be dismissed. The suit was posted for trial and after getting several adjournments, this petition is filed with the intention of delaying the disposal of the suit. Hence this petition is liable to be dismissed.

4. POINTS FOR DETERMINATION:

Whether the petitioner/plaintiff is entitled to the relief as prayed for or not?

5. DISCUSSION AND ANALYSIS :-

Heard both side learned counsel. Records perused carefully,

i) This petition is filed to amend the plaint. The respondents countered that the amendment sought are misleading and confusing and it will change the entire structure of the plaint schedule property. The amendment in the plaint is regarding the cardinal directions/ geographical directions and intercardinal directions of the plaint schedule property, electric poles and road.

ii) Ex. R1 is the commission plan in O.S.No.58/2019, which shows the plaintiff's property and lie of electric lines and poles. On perusing the plaint and comparing it with the plan (Ex.R1) the amendment sought here is necessary to identify the exact location of schedule property, electric lines, poles and road.

iii) The western boundary of the plan shows some space between the plaintiff's property and moolachal to Mekkamandabam road. On clarification, there is a property of Thanka Raj in between them. So to avoid confusion and further amendment, amend the western boundary as property of Thankaraj and road. Hence, this court is inclined to allow this petition.

6. DECISION:

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

Dictated to the Steno-Typist directly, typed by her in computer, corrected and pronounced by me in open court, on this 16th day of March 2026.

Additional District Munsif,
Padmanabhapuram.

Petitioner side documents and evidence :-

- Nil -

Respondent side documents and evidence :-

Additional District Munsif,
Padmanabhapuram.

ADMC,

Padmanabhapuram.

I.A.No.03/2025 in O.S.No.42/2023

Draft/Fair Order:

Dt: 16.03.2026.