

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

**Present: Thiru.R.Karthikeyan, B.A., B.L.,(Hons.)
Principal District Munsif.**

Monday, the 23th day of March 2026

I.A.No.04 /2025

in

O.S.No. 13/2022

Gnana Christal Joy

... Petitioner/Plaintiff

Vs.

Sweetlin Gnana Regi

... Respondent/Defendant

This petition is coming before me for final hearing, in the presence of Mr.P.Vincent, learned counsel for the Petitioner and Mr.S.Rajasekhar, learned counsel for the Respondent. Upon hearing the both side counsel and on perusal of the records stood over for consideration till this day, this court passed the following :

ORDER

This petition is filed under order VI Rule 17 section 151 of the code of civil procedure to pass an order to amend the plaint.

2. THE AVERMENTS IN THE PETITION IN BRIEF :-

The suit is filed for permanent injunction, Mandatory injunction

and declaration. On 10.02.2022 at about 2 P.M. the process server from this court served summons to the defendant. When the process server left the place the defendant and his wife Femila together shouted at his husband in obscene words for filing the suit against them. The defendant threw brick and stones on our house building and beat on the window of our southern house wall and broke its door. The petitioner's husband gave a complaint before the Thuckalay police. The police called both parties to the police station. On 05.03.2022 at about 4 P.M. the wife the defendant Femila was breaking the plinth of his southern wall of the house with an iron bar. When the petitioner to stop illegal act, she shouted and threatened him saying the break our sun shade of the house. Petitioner also a complaint was given to the police. Taking advantage of it the defendant and his wife continuously giving troubles to his family with regard to our southern house wall. On 04.04.2022 her husband gave a complaint to the District Collector. The complaint was forwarded to the S.P. Kanyakumari District. But no action was taken. After that a police summons was served to his husband and to the defendant and his wife to attend the police enquiry on 21.07.2022 at 10 a.m. On 29.08.2022 his husband gave another complaint to the District Collector dated 27.08.2022. That too was forwarded to the S.P. Office, but no action was taken. All the above subsequent events of continuous disturbances by the defendant have to

be included in the plaint for the property and just adjudication of the case by way of amendment. Hence, this petition.

3. THE AVERMENTS IN THE COUNTER FILED BY RESPONDENTS R3 AND R4 IN BRIEF:

The petition is not maintainable under law and facts and nothing took place on 10.02.2022 as stated by the petitioner. When the process server left the place, the defendant threw brick and stones on the house of the petitioner and beat on the window of southern house wall and broke its door are false ones. Nothing took place on 05.03.2022 as alleged by the petitioner. After due enquiry the local police found that all the petitions given by the petitioner are false and imaginary ones. As stated above no subsequent events or incidents happened due to the act of this respondent and so the averments of the petitioner that all the subsequent events of continuous disturbances by the defendant. The proposed amendments are vague and vexatious ones and the same are not liable to be entertainable ones. Hence, this petition is liable to be dismissed.

4. POINTS FOR DETERMINATION :-

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

5. **DISCUSSION AND ANALYSIS** :-

Heard both sides. records perused.

i) Petitioner have filed this petition to amend the plaint on the ground that on 10.02.2022 at about 2 P.M. When the Process Server from this court served summon to the defendant and after leaving the place defendant and his wife Femila together shouted with petitioner and his husband in obscene words for filing the suit and also threw brick and stones on house building and beat on the window on southern of the house and based on the complaint was filed before Thuckalay police and both and again on 05.03.2022 Femila attempted to break the south wall of the house with an iron bar and when the petitioner attempted to stop the illegal act is shouted and threatened and petitioner and even after complaint raised before police did not take any action as Civil suit was pending and taking advantage of this respondent and his wife were continuously giving troubles to the family so on 04.04.2022 and husband gave a complaint the petitioner before District Collector which was also Superintendent of Police, but no action was taken. Again on 29.08.2022 the petitioner husband gave a another complaint before District Collector but against which also no action was taken.

ii) Hence, prays to amend the plaint by stating the above happening to be pleaded for proper and effective adjudication. On the other hand

respondent raised strong objection to allow this petition and submits that petition is not maintainable under law and facts and nothing took place on 10.02.2022 as stated by the petitioner. After due enquiry the police found that all the petition given by the petitioner are false and imaginary one and because of the reason no action was taken by the police this respondent. The proposed amendment sought by the petitioner was vague allegations and will not help the petitioner to solve the real dispute in respect of the relief prayed in this case. Hence prays to dismiss this petition.

iii) Based on both sides rival submission it is clear that suit was filed in the year 2022 and happenings as pleaded by the petitioner above in the year 2022 itself. However this petition was filed in the year 2025 and same was numbered as I.A.NO.04/2025. On perusal of the case records it is also observed that suit was now posted for trial and same was pending before this court. However petitioner have filed this I.A.No.04/2025 to amend the plaint for the happenings made in the year 2022. On Petitioner and respondent side no document was adduced in this petition to support the petitioners contention. Moreover petitioner have also not pleaded the reason for delay of three years for filing this petition to amend the plaint. It is also to be noted the above amendment the pleaded by the petitioner will not alter the nature of the suit and no additional relief was claimed by the petitioner

hence amendment is not necessary. This court is of considered view that allowing this petition without sufficient valid grounds at this stage will cause any further delay in the trial proceedings and moreover mere complaint raised by the petitioner after institution of the suit will not bind this court in deciding the suit. Hence Considering the nature and circumstances of the petition and reason stated above this court is of considered view that petitioner is not entitled for the relief as prayed.

DECISION:

In the result, in the interest of justice the petition is dismissed. No costs.

Dictated to the steno-typist and typed by her in computer, corrected and pronounced by me in open court, on this 23th day of March 2026.

Principal District Munsif,
Padmanabhapuram.

PDMC, Padmanabhapuram.
I.A. No.04/2025 in
O.S.No.13/2022
Order:
Dt: 23.03.2026

