

In the Court of the Principal District Judge,
Principal District Court, Kancheepuram.

PRESENT: **Tmt. Deepthi Arivunithi, M.L.,**
Principal District Judge,
Principal District Court ,
Kancheepuram.

Tuesday the 17th day of February 2026

IA.No.5/2025 in O.S. No.54/2023

M/s. Jain Housing
A Partnership Firm, represented by its
Authorized Signatory
Mr. Vasudevan /o. Ramanathan
having office at
No.98 and 99, Habibullah Road,
T.Nagar, Chennai – 600 017.

...Petitioner/Plaintiff.

Vs

R. Sasikala

.. Respondent/Defendant.

This petition is coming on 04.02.2026 for final hearing before me in the presence of M/s. M.. Seshachri and P. Sathyanarayanan, Counsels appearing for the Petitioner and M/s. K.G. Vasudevan, D. Selvaraju, Naresh Vassudhev and K.S. Badrinarayanan, Counsels for the respondent and upon hearing the arguments on both sides and upon perusal of records and having stood over the matter for consideration till this day, this court delivered the following

ORDER

Petition filed under Order VI Rule 17 CPC to amend the value of the suit and to amend the measurement and boundaries of the suit schedule property as per the particulars of amendment in the petition.

2. The learned counsel for the petitioner/plaintiff would contend as follows. The main suit was filed for declaration of title and recovery of possession in respect of the B schedule properties and for such other reliefs. Pursuant to the order of this court, an Advocate commissioner was appointed who inspected the suit properties with the assistance of Taluk Surveyor. As per the digital survey conducted, it was found that the defendant had encroached the suit B schedule property to the extent of 2033 sq.ft. However, the encroached area is mentioned as 2132 sq.ft. Out of 4456 sq.ft. Of the A schedule property, since only 2033 sq.ft. was encroached, the present amendment application is filed to amend the extent of the property and to alter the valuation of the suit. Hence, that the petition be allowed.

3. The learned counsel for the respondent/defendant would contend as follows. The petitioner is not entitled to the amendment as sought for. The allegation that the respondent/defendant encroached the property is a false narrative. The petitioner/plaintiff is trying to bring a new case that there was only encroachment of 2033 sq.ft. The advocate commissioner report which was rejected by the court is sought to be re-introduced by way of the amendment. The petitioner/plaintiff is

trying to grab the property of the respondent/defendant on the guise of false allegations. The petitioner/plaintiff cannot try to override the report of the Taluk Surveyor. Hence, that the petition be dismissed.

4. Upon hearing both sides and having perused the materials on record, this court finds as follows. The main suit is filed for the relief of declaration of title and recovery of possession and for such other reliefs. The petitioner/plaintiff has filed the present petition to alter the extent as stated in the suit B schedule consequent to the report of the Advocate commissioner. The respondent/defendant has opposed for the present application on the ground that the petitioner/plaintiff has no right or title and that there is no encroachment as stated. Considering the nature of the present application, it is not necessary to go into the merits of the main suit. Suffice it to note that the petitioner now wants to reduce the extent of the relief claimed based on the report of the Advocate commissioner. Whether the report of the Advocate commissioner is to be considered or not remains to be decided at the time of final disposal of the suit. For the present, the amendment sought for does not create any new cause of action or it does not alter the case of the petitioner in any manner. It is also relevant to note that the trial in the main suit is yet to be commenced. In these circumstances, this court finds that no prejudice will be caused to the respondent/defendant if the plaint is amended as prayed for. Further the amendment is also necessary for the purpose of effective adjudication of the present suit.

5. For the foregoing reasons, this court finds that the present petition is allowed without costs.

6. In result, this petition is allowed without costs.

//This order has been partly dictated by me to the Stenographer, transcribed and typed by her in the computer, corrected and pronounced by me in the open Court on this the Tuesday the 17th day of February 2026//

Principal District Judge,
Principal District Court,
Kancheepuram.

Exhibits and Witnesses on both side: NIL.

Principal District Judge,
Principal District Court,
Kancheepuram.

Draft/Fair Order
I.A.No.5/2025 in
O.S.No. 54/2023
D.D. 17.02.2026
Principal District Court ,
Kancheepuram.

