

IN THE COURT OF DISTRICT MUNSIF AT SRIPERUMBUDUR

**PRESENT: Tr. P. Jagadeeswaran BA.,BL., ,
District Munsif, Sriperumbudur**

On Monday, the 06th day of April 2026.

I.A No. 05/2026

in

O.S. No. 114/2024

T.G.Suresh Babu

.....Petitioner/ Plaintiff

/Vs/

1. T.G.Ramesh Babu

2. Ramesh Balaji

3. R.Karthik

4.R.Dipak

5. S.Chitra

6. T.S.Vikram

7. E.Sumathi

8. Susil Kumar

9. T.G.Renuga Devi

10. Shailaja Sridhar

11. S.Yogaraja

12. S.Ramesh

13. The Sub Registrar,

14. The District Registrar

15. The Inspector General of Registration, Santhome High Road.

16. The Tahsildar, Sriperumbudur Taluk

17. The Revenue Divisional Officer, Sriperumbudur Division

18. The District Collector, Kancheepuram

19. The Executive Officer, Sriperumbudur Town Panchayat

20. The Director, Kancheepuram District Town and country planning office

21. The Director of Town Panchayat

...Respondents / defendants

This Petition has come up for final hearing on 16.03.2026 day in the presence of M/s.B.Pragasam, Learned Counsels for the Petitioner and M/s.K.Krishnan, Learned Counsels for the 12th Respondent and the upon hearing the both sides, upon perusing

the materials on record and having stood over for consideration till this date, this Court delivers the following:

ORDER

1. The instant Petition is filed by the Petitioner/Plaintiff under Order 6 Rule 17 of CPC praying this Court to amend the plaint and thus render justice.

2. **Brief Averments in the Petition:**

The plaintiff states that while preparing the proof affidavit, they verified the 12th defendant's documents and discovered that defendants 1 to 11 had executed a Deed of Declaration dated 06.03.2024 in favour of the 12th defendant, which was not reflected in the encumbrance certificate and appears undervalued. It is alleged that defendants 1 to 12 colluded to alter the property description in the earlier sale deed dated 18.01.2019 and fraudulently manipulated official records to claim the entire suit property. The plaintiff further contends that the 12th defendant failed to allot the plaintiff's 80% share and that material facts were suppressed. It is also noted that an earlier partition suit filed by the 9th defendant was withdrawn without settlement. Therefore, the plaintiff asserts that the Deed of Declaration is null and void and seeks amendment of the plaint to avoid irreparable loss.

3. **Brief Averments in the Counter filed by the 12th respondent :**

He submit that the petitioner was well aware of the Deed of Declaration dated 06.03.2024 even prior to the filing of the suit and continued to have such knowledge during the pendency of the suit. While disposing of CMA No.1280 of 2024 and CRP No.2277 of 2024, the petitioner was fully aware of the said Deed of Declaration.

Despite the same, after a lapse of nearly one year, the petitioner has filed the present application with mala fide intention and solely to prolong the proceedings, particularly at the stage of marking of documents. The petitioner has thus acted in violation of the order of the Hon'ble High Court dated 21.01.2025 passed in CMA No.1280 of 2024 and CRP No.2277 of 2024, and such conduct amounts to interference with the due course of justice. The intension of the petitioner is that he doesn't want to close the suit proceedings he wants to prolong the suit. For the foregoing reasons it is prayed that this Hon'ble court may be pleased to dismiss the I.A.No.5 of 2026 and pass such further order and render justice.

4. Points for Determination:

Whether this petition is deserves to be allowed or not?

5. Discussion and Reasoning:

Upon perusal of the affidavit of petition filed by the petitioner and counter filed by the respondent it is evident that this petition is filed to carry out necessary amendments in the plaint which is left out without pleading in the Plaint at the time of institution of the suit due to over sight.

6. On contra the respondent vehemently objected that the petitioner here in has the knowledge of declaration deed dated 06.03.2024 was prior to the institution of suit itself. Therefore this petition is barred by limitation which was filed after the lapse of 1 year from the order of CMA.No. 1280 of 2024 and CRP.No. 2277/2024. Hence this petition is liable to be dismissed.

7. Even though it is presumed that prayer claimed by the petitioner is barred by limitation it is mixed question of fact and law and it can be proved only through the trial this application is only to amend the plaint. If that amendment is carried out then only evidence can be lend to that based on that evidence only the objection can be decided.

8. This court also takes judicial note of the judgment in *A.Thajudeen Vs. Tamil Nadu Khadi and Village Industries Board (2024 SCC online SC 3037)* wherein the Hon'ble Supreme Court held that *as long as right to property subsists, a plea of declaration cannot be held to be barred by time. The ratio of the Judgment of the Supreme Court is that, if the right to property subsists, the relief for declaration being a continuing one, since the right to property is a continuing right, is not barred by time.*

9. With regard to the contention relating to date of knowledge and barred by limitation, this court takes judicial note of the judgment in *Sampath Kumar v. Ayyakannu, 2002 AIR SCW 3925*

10. "An amendment once incorporated relates back to the date of the suit. However, the doctrine of relation back in the context of amendment of pleadings is not one of universal application and in appropriate cases, the Court is competent while permitting an amendment to direct that the amendment permitted by it shall not relate back to the date of the suit and to the extent permitted by it shall be deemed to have been brought before the Court on the date on which the application seeking the

amendment was filed. *(See observations in Siddalingamma and another v. Mamtha Shenoy (2001) 8 SCC 561).*"

11. In light of the above discussions, in the interest of justice this court is inclined to allow the amendment petition subject to the issue of limitation in respect of the amended particulars of the plaint shall be decided at the time of trial. Considering the nature of dispute between both the parties, this court considers that the parties shall bear their own costs.

12. RESULT :

In the result, the Petition I.A. No. 05/2026 in O.S No.114/2024 is allowed. No Costs.

Dictated to the steno-typist, typed by her, corrected and pronounced by me in the open court, on the 06th day of April 2026.

(Sd/-Jagadeeswaran.P)
District Munsif,
Sriperumbudur.

Petitioner and Respondent side witness and documents : NIL

(Sd/-Jagadeeswaran.P)
District Munsif,
Sriperumbudur.