

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.**Present : Thiru. M.P. Ramkishore, B.E., BL., (Hon's)**

District Munsif, Vadipatti

Dated this the 03rd day of March 2026**CNR. No.TNMD190001932017****IA. No.04 of 2026****In****O.S. No.47 of 2017***********

1. M. Arumugam,
S/o. Muthukaruppan @ Periyar Samban

---- *Petitioner / Plaintiff***//Versus//**

1. M. Manoharan,
S/o. Muthukaruppan @ Periyar Samban

---- *Respondent / Defendant*

This petition was filed before this Court on 03.02.2026 coming before me for final hearing on 03.03.2026, Advocate Thiru. A. Veluchamy appeared for Petitioner / Plaintiff and Advocate Thiru. K. Vjayakumar appeared for the respondent / defendant. Upon hearing the arguments advanced by both the sides' counsel and upon perusing the available material records, today this Court has delivered the following....

ORDER

1. This petition was filed under order 6 rule 17 of CPC to amend the plaint.

2. **Petition averments in brief:**

The petitioner was the plaintiff in the main suit. The suit was filed seeking the relief of permanent injunction and was pending for arguments. The contention of the petitioner was that, at the time of filing the suit, the schedule of property was described based on the earlier

revenue records relating to the petition property. Subsequently, it was found that the jurisdictional description of the suit property was incorrect due to the reconstitution of its location. Therefore, the petitioner/plaintiff has filed the present petition seeking amendment of the plaint to to amend the plaint.

3. **Counter averments in brief: (R1, 2 adopted the counter of R3 and R4)**

The contention of the respondents was that the averments in the petition were totally denied by the respondents /defendants. The petitioner / plaintiff filed the suit for permanent injunction and the same was pending for arguments. Further, the petitioner cannot be permitted to amend the plaint schedule on the basis of an alleged mistake in the earlier revenue records. It was the duty of the petitioner to verify the current and correct jurisdiction before filing the suit. Hence this petition was filed after filing of the suit, would amounts to change entire cause of action in the main suit, it was filed only to make delay in the suit proceedings, which is not at all maintainable and liable to be dismissed.

4. **Point for determination : Whether the petition can be allowed?**

i. Records perused. The petitioner filed this petition for amending the plaint schedule as it was found incorrectly mentioned in the plaint. On the other hand, the respondents challenged the petition stating that the petition mentioned ground was entirely false and this petition was filed only to delay the suit proceeding.

ii. Both the sides' did not file any documents in this proceeding.

iii. The learned petitioner counsel argued that the amendment sought to made to correct the pleadings of the plaint. The learned respondents counsel argued that this petition was filed after delay of 9 years from the date of filing the main suit for amending the description of the suit schedule of property as per the present revenue records in respect of the suit

property is illegal in law and if this petition allowed, the entire cause of action in the plaint would be changed. Thus this petition was filed only to delay the suit proceedings.

iv. In the present petition, the petitioner seeks to amend the plaint, contending that the schedule of the property was described based on the earlier revenue records available at the time of filing the suit, and that it was subsequently found at present that the location of the suit property has been reconstituted under a different jurisdiction. On perusal of entire records before this court, the suit was of the year 2017 and it was pending for argument. Further as mentioned in the petition, the proposed amendment was sought solely to include the village name of the property, as it was left out, but the property falls within the territorial jurisdiction of this Court. Thereby the schedule of property is needed to be amended by including its village name and hence this amendment cannot cause any prejudice to the respondent. This suit is of the year 2017, thus to prevent further delay and to provide opportunity to both parties to contest the case on merits, it is necessary to allow the amendment. Thus this court finds that the amendment sought by the petitioner can be allowed. Hence this court is inclined to allow this petition.

5. **In the result**, the petition is allowed, no cost and steps to carry out amendment shall be made without getting any further adjournment.

Directly dictated to the Stenographer and computerized, error checked and pronounced in the open court on 03rd day of March 2026.

District Munsif,
Vadipatti.

Petitioner side witness and documents : Nil

Respondent side witness and documents: Nil

District Munsif,
Vadipatti.

DISTRICT MUNSIF COURT
Vadipatti
Fair Order/~~Draft Order~~
IA. No.04/2026
In
O.S. No.47/2017
Date : 03.03.2026