

**In the Court of Principal District Judge, Pudukkottai.**

**Present : Thiru. A. Abdul Kadhar , B.A., B.L.,**

Principal District Judge .

Wednesday the 9<sup>th</sup> day of March, 2022

**I.A.No.112/2021 in O.S.No:4/2018**

Mani

**...Petitioner/Plaintiff**

**//Versus//**

1. Adaikkan
2. Raman
3. Palaniyappan
4. Subramanian
5. Selvaraj
6. Sornavalli
7. Santhi
8. D. Radha

**...Respondents / Defendants**

This Petition is coming before this court on 05.03.2022 for final hearing in the presence of Thiru.D.Parisuthanathan, Advocate for the Petitioner and Thiru.S.Chokkalingam, Advocate for the Respondent No.1 to 7 and 8<sup>th</sup> respondent called absent set exparte and upon hearing the arguments of both sides, and on

perusing the records and having stood over till this date for consideration, this court delivers the following:

### **ORDER**

This Interlocutory Application has been filed by the petitioner/plaintiff under Order 6 Rule 17 of C.P.C. prays to permit the petition/ plaintiff to amend the plaint as described in petition and thus render justice.

#### **2. The averments in the petition are briefly as follows:-**

The petitioner is the plaintiff in the suit. The petitioner/plaintiff have filed the suit for partition and other reliefs. The 1<sup>st</sup> Defendant alone filed a written statement and 2 to 7 defendants adopted the statement of 1<sup>st</sup> defendant. The above case is posted for steps to implead 9, 10, 11 defendants. Under these circumstances, the petitioner came to know one ancestral property described in the petition left to mention in the schedule of property inadvertently. Further the 1<sup>st</sup> defendant constructed a building over 9<sup>th</sup> item of "A" schedule property (ie.,) 26/9 during the pendency of the suit. The said building is to be included in the schedule of property and in details valuation of Rs.25,00,000/- to be included in the above said Survey Number. So, the said property and other details as aforesaid is to be

added by way of amendment. Hence the petitioner have filed this petition to permit the petition/ plaintiff to amend the plaint as described in petition.

**3. The averments in the Counter filed by the 1<sup>st</sup> Respondent and the same was adopted by the Respondent Nos.2 to 7 are briefly as follows:-**

The petition filed by the petitioner is false, not maintainable in law and circumstances of the case and is liable to be dismissed in limine. This Respondent denies all the allegations as mentioned in the petition and the petitioner / plaintiff is put to strictly prove thereof. This respondent states that it was false that one of the ancestral property has been left in the petition by mistake and the building constructed by this responded has to be added in the said survey number by way of amendment. But actually this property was originally belonged to the respondent and he has constructed a house building in the “A” schedule of the petition mentioned property i.e., in Survey No.26/9 before the suit arose and the same was also stated by the petitioner. Hence the petitioner is in the intention of grabbing the property belongs to the respondent by saying false statements. Therefore, it is prayed that this case has to be dismissed with cost.

4. Both side no oral and documentary evidence.

**5. Point for determination is:-**

Whether this petition is allowed ? or not?

**6. Point :**

Considering the fact that the petitioner seeking to amend the plaint by including the properties and according to the respondents that the property was not added . But according to the petitioner that the other property stated by that they are connected the suit property , the said issue can be resolved in the main suit and at present since it is only a pre trial amendment the same can be allowed . Accordingly allowed.

7. In fine, this petition is allowed.

Dictated to the Steno-typist, taken down by her in shorthand, transcribed and typed by her in computer, and corrected and pronounced by me in open court this the 9<sup>th</sup> day of March, 2022.

**Sd/- A.Abdul Kadhar,  
Principal District Judge,  
Pudukkottai.**

**Both side witness and exhibits:** -NIL-

**Sd/- A.Abdul Kadhar,  
Principal District Judge,  
Pudukkottai.**