

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE, RAMANATHAPURAM**

**PRESENT: Thiru. A.K.MEHBUB ALI KHAN, B.L.M, L.L.M.,  
PG.D.PM/IR, Dip.in.J.J & J.Psy., PG.D.D.F.,  
Principal District Judge, Ramanathapuram.**

**Saturday, the 03<sup>rd</sup> day of January 2026**

**I.A.No. 06/2025 in O.S.No.13/2021**

**&**

**I.A.No. 07/2025 in O.S.No.13/2021**

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**I.A.No. 06/2025**

Salimulla

... Petitioner/ Plaintiff

-vs-

Nabisathu Dhahira

...Respondent/Defendant

**I.A.No. 07/2025**

Salimulla

... Petitioner/ Plaintiff

-vs-

Nabisathu Dhahira

... Respondent/ Defendant

These petitions came on 19.12.2025 before this Court for final hearing in the presence of Thiru.A. Selvaraj, Advocate for the Petitioner/Plaintiff, Thiru.R. Veerappan, Advocate for the Respondent/Defendant and on heard their arguments and on perusal of records, this Court delivers the following:

**COMMON ORDER**

The petition in I.A.No.06/2025 filed by the petitioner/plaintiff under section 151 of CPC.

The Petition in I.A.7/2025 is filed by the petitioner/plaintiff under Order 6 Rule 17 of CPC.

**2. The case of the petitioner/plaintiff in both petitions in brief:**

The plaintiff is the petitioner in both the petitions. He has filed the suit for partition in respect of 3 item of the suit property. The suit was dismissed by the trial court and hence appeal was filed before the Hon'ble Madurai Bench of Madras High Court in A.S.(MD).No.199/2023 dated 22.07.2024 and the appeal was partly allowed granting relief of partition in respect of items No.1 and 2 and the suit was remanded for trial in respect of 3<sup>rd</sup> item. The 3<sup>rd</sup> item of the suit property is a vacant site and is the ancestral property. However, mother of the petitioner has executed Inam settlement deed dated 31.01.2018 in favour of the defendant and the suit is filed by the plaintiff claiming that the said settlement is invalid. Since, the mother alone did not have absolute right over the property, the Inam settlement deed executed by her is null and void. Therefore, the plaint has to be amended incorporating that the said settlement deed in respect of the 3 item is null and void and that the defendant cannot have any right or title over the 3<sup>rd</sup> item under the said settlement deed. Accordingly, the prayer seeking declaration that the settlement deed dated 31.01.2018 is null and void has to be added and necessary court fee has to be paid. Therefore, the plaint must be amended accordingly. In order to amend the plaint, the petitioner has filed this application to amend the plaint accordingly for

which the suit which is posted for argument has to be reopened. Hence, the petitioner prays to re-open the case and to permit him to amend the plaint as detailed in the petition.

**3. The case of the respondent/Appeal Respondent in brief:**

The defendant is the respondent in both the petitions. Denying all the allegations made in the affidavit, the respondent has stated that the prayer for declaration is barred by limitation and the same cannot be permitted. The petitioner has not given the details as to whom the 3<sup>rd</sup> item of the suit property belongs and he has not impleaded the other legal heirs namely Ibrahim, Saibu Rahman, Uduman Ali and Mustafa; without impleading them, the plaint cannot be amended. The other allegations are denied and this defendant alone looked after her mother when she was affected with terminal illness and therefore, her mother had executed the Inam settlement deed in favour of defendant on 31.01.2018. As per the said settlement deed this respondent has acquired right to over the property and has been enjoying the same beyond the prescribed period. The relief of declaration is hit by limitation and therefore, the plaint cannot be amended. Hence, there is no necessity to re-open the case posted for arguments and both the petitions may be dismissed.

4. Point for consideration in this petition is,

***“Whether both the petitions be allowed”?***

5. No oral or documentary evidence was let in both sides.

6. **Answer to Point:**

It is pertinent to note that the Hon'ble Madurai Bench of Madras High Court in A.S.(MD) No. 199/2023 has remanded the case back to this Court as far as 3<sup>rd</sup> item of the suit property is concerned with the direction that both parties are at liberty to file additional pleadings and documents as far as the 3<sup>rd</sup> item is concerned. Hence, the plaintiff must be given an opportunity to amend the plaint by way of additional pleadings. The question of limitation can be decided at the time of trial.

7. Therefore, in order to amend the plaint it is necessary to re-open the case. However, the difficulties caused to the respondent for the delay in filing this application, shall be compensated by way of cost and hence it is held that the petition in I.A No.6/2025 will be allowed on payment of cost of Rs.1000/- on or before 12.01.2026 failing which the petition shall stand dismissed. It is further held that the petition in I.A.No.07/2025 will be allowed subject to the result of I.A.No.06/2025 this point is decided accordingly.

In the result, the petition in I.A.No.06/2025 will be allowed on payment of cost of Rs.1000/- on or before 10.01.2026 failing which the petition shall stand dismissed. Call on 12.01.2026

In the result, the petition in I.A.NO.07/2025 will be allowed subject to the result of I.A.No.06/2025. Call on 12.01.2026.

Dictated to Steno-typist, transcribed and typed by her in the computer, corrected and pronounced by me in Open Court this the **03<sup>rd</sup> day of January 2026.**

Principal District Judge,  
Ramanathapuram.

**I. List of witnesses and Documents on the side of the petitioner: Nil**

**II. List of witnesses and Document on the side of the Respondent: Nil**

Principal District Judge,  
Ramanathapuram.