

IN THE COURT OF THE 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.

Wednesday, the 01st day of July 2026

I.A.No. 08/2026

in

O.S.No.125/2023

1. Hameethabanu

2. Kathija Ammal

(petitioners through their
power agent Kanagaraj)

... Petitioners/Plaintiffs

-VS-

1. Fairozekhan

2. Abbas

3. Regina Beevi

4. Asaraf Nisha

5. Vainudheen

6. Ajmath Nisha

7. Mohammed Seerajidheen

8. Badhar Nisha

9. Regina

10. Sheik Ibramsha

11. Sheik Ibrahim

12. S.Banufaridha

13. Jailani

14. Shyamudheen

15. Abbas

16. Ahamed Ibrahim

17. Syed Hameed Sulthan

18. P.Saravanan ... Respondents/Defendants

This petition came on 24.06.2026 before this Court for final hearing in the presence of Thiru.B.Sundarrajan, Advocate for the Petitioners and of Thiru.M.Senthilkumar, Advocate for the Respondents 16 to 18 and 1st to 16 respondents are being called absent and set exparte and on heard their arguments and on perusal of records, this Court delivers the following:

ORDER

Petition filed by the petitioners/plaintiffs under Order 6 Rule 17 of CPC.

2. The contention of the petitioners/plaintiffs in brief :

These petitioners are the plaintiffs in the main suit. They have filed the suit for partition of 2/8 shares in the suit properties. The suit properties were sold by one Seenikatti to defendants 9 to 15 by impersonating the plaintiffs under a registered sale deed in document No.2003/1994. The description of property as found in the said sale deed is given as 89/1B1-52 cents; 89/1C1-43 cents; 89/1C3-98 cents; totally 1.93 acres. However, while filing the plaint the description of property was given by the plaintiffs on the basis of the sale deed of 18th defendant erroneously. This fact came to the knowledge of the plaintiffs only now when they were preparing to proceed the trial and perused the documents. The said mistake was neither willful

nor wanton. Therefore, the plaintiffs need to amend the plaint description as detailed in the petition. This would not change the nature of the suit or introduce a new cause of action. Unless, the amendment is allowed, the plaintiffs would be put to irreparable loss and hardships. Therefore, they have prayed to permit them to amend the plaint description of property as detailed in the petition.

3. The Contention of the 16th to 18th Respondents in brief :

Respondents 16 to 18 contend that the plaintiffs were aware of the correct description of the suit property even at the time of filing of the suit. The 3rd respondent had filed O.S.No.58/2014 seeking the same relief as prayed by the plaintiffs and these petitioners appeared in the said case on 30.04.2014 and were aware about the description of property. Even in this case, the 18th respondent has prepared the written statement and served a copy to these petitioners 15 days prior to the filing of written statement. It was mentioned in the said written statement that the description of property was wrong. Thus, the petitioners were aware about the wrong description even on 22.01.2024. However, they did not take any steps till 16.03.2026 to amend the description of property, but have filed the amendment petition belatedly. Further, even though the extent alone is mentioned to be amended in the description of property, the value is not sought to be amended accordingly. The boundaries for the said survey nos. already mentioned in the original plaint also require amendment and without amending the boundaries, the survey no. and the extent alone cannot be

amended. Knowing fully well that after obtaining preliminary decree no amendment could be made, these petitioners have filed this application to amend the plaint in respect of the description of properties without giving the correct four boundaries. This petition is not maintainable as it is filed belatedly and if allowed would change the root of the case. It would also introduce a new cause of action and there is no provision to introduce a new property by way of amendment. Therefore, the petition has to be dismissed.

4. No oral or documentary evidence was let in by the petitioners. No oral evidence was let in by the respondents 16 to 18 and they have filed Ex. R1, R2 on their side.

5. Points for consideration in this petition is, **“Whether the petition can be allowed?”**

6. Heard the arguments on both sides.

7. **Answer to point:**

7.1. The learned Counsel for the petitioners contended that the amendment petition is filed before commencement of trial and it is absolutely necessary to rectify the mistake in respect of the description of properties, so that they could be properly identified and the decree could be executed. He further contended that since, the suit is for partition, the cause of action would not change and no new facts are introduced

by way of amendment. The amendment would not cause any serious prejudice to the respondent and prayed to allow the application.

7.2. Per contra, the learned Counsel for the respondents 16 to 18 vehemently objected allowing the application referring to Ex.R1 copy of the sale deed in favour of the 18th respondent. The said sale deed was executed by Syed Hammed Sulthan and Ahamed Ibrahim on 30.06.2023 in respect of the suit properties. He has also filed Ex.R2 the FMB extract showing the topography of the survey nos. His contention is that the amendment in respect of the survey nos. and the extent alone is not sufficient and the proper boundaries must be given in the description. He further contended that without giving the boundaries correctly, the properties could not be identified and no purpose would be served even if a decree is passed. He further contended that even though the plaintiffs were aware about the correct description of the properties as early as in 2024 they have not taken any steps until now to amend the same. Therefore, the petition must be dismissed as it is highly belated .

7.3. Having given anxious consideration to the arguments advanced by either parties, this court is well aware of the settled preposition of law that amendments post trial cannot be allowed routinely and unless valid reasons are shown for the delay and why the petition could not be filed earlier, amendments post trial should not be allowed. However, it is equally well settled that the amendments pre-trial or sought before the trial commences, are to be approached liberally and no such

reasons need be necessary for allowing the amendment before the commencement of trial. The court has to consider whether such an amendment would introduce a fresh cause of action and whether it would change the nature of the suit. Admittedly, this suit is one for partition and trial has not yet commenced. The petitioners have clearly stated that they found out the mistake in the description of property when they prepared for trial and hence the reason given by them is perfectly valid. Since, the trial is not yet commenced, the contention of the delay in filing the petition cannot be taken into consideration. It is also found that by allowing the amendment the nature of the suit namely partition will not change and no new cause of action would be introduced if amendment is permitted.

7.4. It is further held that, no serious prejudice would be caused to the respondents if the amendment is allowed. They could file additional written statement regarding the objections raised by them in the counter and no irreparable loss would be caused to them. On the other hand, if the amendment is not permitted the petitioners would be put to irreparable loss and their valuable right to property would be lost. The hardships caused to the respondent shall be compensated by way of cost.

7.5. Therefore, in view of the discussion made above it is held that the petition will be allowed on payment of cost of Rs.2,500/- to the respondents 16 to 18 on or before 14.07.2026 failing which the petition will stand dismissed. This point is decided accordingly.

In the result, the petition will be allowed on payment of cost of Rs.2,500/- to the respondents 16 to 18 on or before 14.07.2026 failing which the petition will stand dismissed. Call on 15.07.2026.

This order is dictated to the Steno-Typist, transcribed and typed by her in the computer, corrected and pronounced by me in the open court this **the 01st day of July 2026.**

Principal District Judge,
Ramanathapuram.

Petitioners and 16th to 18th Respondents side Witness :- -Nil-

Petitioners side Documents :- -Nil-

16th to 18th Respondents side Documents :-

Ex.R1	30.06.2023	Copy of the sale deed in favour of the 8 th respondent.
Ex.R2	18.12.2025	FMB extract showing the topography of the survey nos.

Principal District Judge,
Ramanathapuram.

Principal District Court,
Ramanathapuram.
I.A.No.08/2026 in
O.S.No.125/2023
Fair Order
Date: 01.07.2026