

In the Court of District Munsif, Mudukulathur

Present : Ms.J.C.Aparna, B.A, L.L.B.,

District Munsif,

Mudukulathur.

Monday the 10th day of November 2025

I.A.No.05/2025

in

O.S.No.26/2015

Ganesan
(Rep.through his power agent
Muthukumar)

..... Petitioner/Plaintiff

/VS/

1. Kasinathan
2. Vadivel
3. Prabhu
4. Selvi
5. Gomathi

..... Respondents/Defendants

This petition came on 25.10.2025 before this court for final hearing in the presence of Thiru.K.Umasankar, Learned Counsel for the Petitioner/Plaintiff, Thiru.S.Arighandran, Learned Counsel for the Respondents/Defendants and upon hearing both sides enquiry and upon perusing the material records and having stood over till this day for consideration, this court delivered the following:

ORDER

This petition has been filed under Order 6 Rule 17 and 18 of Civil Procedure Code to amend the plaint.

2. Brief averments of the Petitioner/Plaintiff in brief:-

The petitioner is the power agent of the plaintiff in the main suit. The main suit is filed for the relief of specific performance. During the pendency of

the suit the 1st respondent/defendant has executed a settlement deed dated 08.02.2023 in favour of 4th respondent/4th defendant in respect of the suit property. Hence this petition to amend the plaint as to include the prayer to declare the said settlement deed in document number 186/2023 as null and void. If the petition is not allowed irreparable loss and hardships will be caused to the petitioner. Hence prays to allow the petition.

3. Brief averments of the Respondents/Defendants in brief:

The respondent denies the averments in the petition. There is no need to amend the plaint as the doctrine of Lis Pendens will apply. The petitioner has filed the petition belatedly after 2 ½ years from the execution of settlement deed. The suit was filed in the year 2015, The petitioner has filed this petition to drag on the proceedings without commencing trial. Hence prays to dismiss the petition as amendment cannot be allowed after the trial has been commenced.

4. Point for consideration:-

Whether the petition be allowed and the relief be granted as prayed for?

No documents filed on either side. Heard both sides.

5. Answer to the Point:-

5.1. The petitioner seeks to amend the plaint as to he relief of declaring the settlement deed executed by 1st respondent/defendant in favour of 4th respondent/defendant as null and void during the pendency of the suit. Where as the respondents stated that since the doctrine of Lis Pendens will apply, toe any transaction made during the pendency of a litigation, there is no need to amend the plaint to include a prayer to declare the same as null and void.

5.2. Whereas it is not necessary to seek cancellation of the sale or transfer made during the pendency, if the petitioner is preferring to cancel the same, no harm will be caused as further litigations can be avoided. Also the

respondents state that this petition is filed to drag on the proceedings and filed belatedly. But the rule of amendment is to avoid multiplicity of litigations unless barred by limitation, all amendments must be allowed. But to compensate the hardships caused it is appropriate to allow this petition on the payment of costs of Rs.500/- to be paid to the respondents/defendants on or before 19.11.2025. Failing which this petition shall stand dismissed.

6. In the result, this petition is allowed and failure to comply with conditions mentioned in the order, the petition shall automatically stand dismissed.

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 10th day of November 2025.

**District Munsif,
Mudukulathur.**

Both sides witnesses and documents : Nil

**District Munsif,
Mudukulathur.**