

In the Court of District Munsif, Mudukulathur

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

District Munsif,

Mudukulathur.

Thursday the 05th day of February 2026

I.A.No.03/2025

in

O.S.No.24/2023

Dharmaraj

..... Petitioner/Plaintiff

/VS/

Kathiresan

..... Respondent/Defendant

This petition came on 20.11.2025 before this court for final hearing in the presence of Thiru.K.Alagarsamy, Learned Counsel for the Petitioner/Plaintiff, Thiru.S.Periyasamy, Learned Counsel for the Respondent/Defendant 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 of Civil Procedure Code to amend the plaint.

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

The petitioner is the plaintiff in the main suit. The properties originally belonged to the petitioner/plaintiff's father, and grandfather by way of sale. After

their demise, the suit property, was in the possession and enjoyment of their legal heirs. By way of a partition deed in document number 1306/2010 dated 24.08.2010, between the legal heirs of the above said Alagar, the suit property was allotted to the share of this petitioner, the survey number for the suit property is 301/8. Meanwhile, the defendant is trying to interfere with a peaceful possession of the petitioner. The Commissioner has filed a report and plan after inspecting the suit property and has stated that survey number 301/9 is also included in the property which is in the petitioner's possession. Hence, it is necessary to amend the plaint to include a prayer for declaration and consequential injunction in respect of survey number 301/9. Hence, prays to allow the petition.

3. Brief averments of the Respondent/Defendant in brief:

The respondent denies the averments in the petition. The respondent property in survey number 301/9 is not included in the partition deed mentioned by the petitioner. The petitioner is seeking to amend the plaint as to the respondent's survey number 301/9, which was mentioned in the plaint itself as a boundary. Without mentioning the specific extent which comes within the petitioner's property, the petitioner seeks for declaration in respect of the entire property belonging to the respondent. The schedule of properties not clearly mentioned in the proposed amendment changes the nature of the suit. Hence, prays to dismiss the petition.

4. Point for consideration:-

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

Heard both sides. On the side of respondent Ex.C1 was marked. Petitioner side no document was marked.

5. Answer to the Point:-

5.1. Heard both side submissions. Perused available records. The main suit was filed for the relief of permanent injunction against the respondent/defendant in respect of survey number 301/8. In the plaint schedule, the respondent's property is mentioned as the northern boundary (survey number 301/9). During the pendency of the suit, since there was a dispute as to identification of property a commissioner was appointed and a report and plan was filed before the court stating that there is some overlapping between the properties of the parties. Now the petitioner/ plaintiff has filed this amendment application seeking relief of declaration and consequential injunction in respect of survey number 301/9 which was initially mentioned as a northern boundary. The respondent/defendant counsel argues that the amendment should have been sought for recovery of possession if in case of encroachment and argued that the present petition sought for declaration in respect of respondent's property is not maintainable.

5.2. The northern boundary is mentioned as perumal's land. On perusal of the written statement it can be seen that said perumal is the grandfather of the respondent/defendant. The petitioner/plaintiff claims title in respect of suit

property in survey number 301/8 by way of partition deed dated 24.08.2010 and states that since as per the commissioner report and plan, the survey number 301/9 comes within the property in his possession, it is necessary to seek declaration in regard to the same. It is also argued that the proposed amendment will not change the nature of the suit.

5.3. On perusal of the pleadings it is clear that the survey number 301/8 and 301/9 are adjacent to each other and there is a dispute as to the title of the same between the parties. It is settled principle that all amendments must be allowed as to prevent multiple round of litigation between the same parties as to put an end to endless litigations. In the issue on hand the amendment sought would end the dispute between the parties and help the court to arrive at a proper conclusion. Whether the property is survey number 301/9 belongs to the petitioner/plaintiff or the respondent/defendant can be decided at trial by framing necessary issues. Hence in the light of the above discussions, this petition is allowed and there is no order as to costs.

6. In the result, this petition is allowed. No costs.

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 05th day of February 2026.

**District Munsif,
Mudukulathur.**

List of petitioner side witness and documents: Nil

List of Respondent side witness: Nil

List of Respondent side documents:

Ex.C1	15.04.2025	Commissioner report and plan- Original
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**District Munsif,
Mudukulathur.**