

**In the Court of District Munsif, Mudukulathur**

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

**District Munsif,**

**Mudukulathur.**

**Thursday the 13<sup>th</sup> day of November 2025**

**I.A.No.09/2025**

**in**

**O.S.No.39/2023**

1. Manickam

2. Josephrani

..... Petitioners/Plaintiffs

*/VS/*

A.Jeyaraj

(Rep through his power agent

Aruljoseph Devid)

..... Respondent/Defendant

This petition came on 23.10.2025 before this court for final hearing in the presence of Thiru.Y.T.Ansari, Learned Counsel for the Petitioners/Plaintiffs, Thiru.R.Balaji, 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 and 18 of Civil Procedure Code to amend the plaint.

### **2. Brief averments of the Petitioners/Plaintiffs in brief:-**

The 2<sup>nd</sup> petitioner is the 2<sup>nd</sup> plaintiff in the main suit. He files this petition for himself and on behalf of the 1<sup>st</sup> plaintiff. The defendant has filed a written statement stating that his father Anthony Udayar has executed an inam

settlement deed in respect of the suit property in his favour. The petitioners came to know about the said Inam Settlement Deed only after filing of the said written statement. The defendant have also filed a suit in O.S number 10/2024 against these petitioners for the relief of Declaration on the basis of the said settlement and the same is pending before this court. It is necessary to amend the plaint adding the relief of declaring the settlement dated 14.10.2000 as null and void or else these petitioners will be put to irreparable loss and hardships. Hence prays allow this petition.

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

The respondent denies the averments in the petition. The petitioners are well aware of the settlement dated 14.11.2000 which was executed by Anthony Udayar who is the father of these respondent in their favour. Hence Anthony Udayar had no right to execute a subsequent sale deed in respect of the same property in the respondent favour. Hence no right can be transferred to the respondent by virtue of the sale dated 02.01.2013. Hence this petition is liable to be dismissed as there is no cause of action.

### **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 case of the petitioner is that only after filing of the written statement by the defendant they came to know about the existence of a settlement deed executed in favour of the respondent in respect of the suit property. The petitioners claim title in the suit property by way of sale deed dated 02.01.2013 executed by the same Anthony Udayar in respect of property. Hence the petitioners seek to amend the plaint as for the relief of declaring the

settlement deed in document number 907/2000 dated 14.11.2000 as null and void. Whereas the respondent state that the petitioners are well aware of the settlement dated 14.11.2000 executed by Anthony Udayar who is the father in their favour.

5.2. On perusal it can be seen that the parties claim right to the suit property by way of respective registered deeds executed in their favour by Anthony Udayar. There is a serious dispute between the parties as to the title of the properties. It is well settled law that all amendments should be allowed to arrive at an effective conclusion to the dispute on hand and to prevent multiple litigations between the same parties. But the hardships caused to the respondent must be taken into consideration and be compensated. In the light of the said discussions, this court is of the conclusion that to prevent multiple litigations it is necessary to allow the amendment but to the compensate the hardships caused to the respondent, the petitioners shall pay a sum of Rs. 500/- to the respondent on or before 24.11.2025 failing with 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 stands dismissed.

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 13<sup>th</sup> day of November 2025.

**District Munsif,  
Mudukulathur.**

**Both sides witnesses and documents : Nil**

**District Munsif,  
Mudukulathur.**