

In the Court of District Munsif, Mudukulathur

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

District Munsif,

Mudukulathur.

Wednesday the 08th day of October 2025

I.A.No.10/2025

in

O.S.No.94/2013

1. Lakshmi(Died)
2. Murugesan
3. Nirmala Devi
4. Indira
5. Rani

..... Petitioners/Defendants

/VS/

1. Late.Paulsamy
2. Vilankar (Died)
3. Vallimayil
4. Indirani
5. Chandran
6. Nagarajan
7. Kalimuthu
8. Selvi
9. Shanthi
10. Kanniga
11. Karungammal
12. Selvam
13. Kala
14. Priya
15. Bharathiraja

..... Respondents/Plaintiffs

This petition came on 22.09.2025 before this court for final hearing in the presence of Thiru.N.Ilangovan, Learned Counsel for the Petitioners/Defendants, Thiru.S.Periyasamy, Learned Counsel for the Respondents/Plaintiffs 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 written statement.

2. Brief averments of the Petitioners/Defendants in brief:-

The petitioner is the second defendant in the main suit. He filed this petition for himself and on behalf of the other defendants. The main case is posted for the cross of PW1. On perusal of the written statement filed by the defendant, it was seen that instead of survey number 352/2, it was wrongly mentioned as 352/1 and vice versa. It is only a clerical error and not intentional. Hence prays to allow the petition or the petitioners would be to irreparable loss and hardships.

3. Brief averments of the Respondents/Plaintiffs in brief:-

The respondents/plaintiffs deny the averments in the petition. The petitioners/defendant have filed the additional written statement against natural justice without obtaining the permission of the court. Hence the petitioners are not allowed to make amendments in the additional written statement. The proposed amendment will not help the case of the petitioners. If this petition is allowed, the nature of the additional written statement will be altered further. An amendment cannot be made to fill up the lacunas in a case. This petition is filed without any bonafide reason and is filed highly belatedly to prolong the proceedings, hence prays to dismiss the petition.

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 has filed this petition to amend the additional written statement filed to correct the clerical errors. The petitioners state that the survey 352/1 and 352/2 are mentioned interchangeably. Whereas the respondents state that the additional written statement was itself filed without the permission of the court, and the proposed will not help the case of the petitioners. It is also stated that the amendment petition is filed highly belatedly without any bonafide reasons. The main stand taken by the respondent is that the additional statement was filed without the permission of the court, but the same is not within the purview of this petition as this petition is only to amend the written statement filed. In respect to the proposed amendment, the only difference taken by the respondent is that it will not help the case of the petitioners. That cannot be a ground to reject the amendment. Also, the respondent states that the delay in filing this amendment petition has not been explained. The petitioners have stated that since the case is posted for the cost of PW1 only at the time while perusing the documents, they came to know about the clerical errors in the survey numbers. Also, an amendment to correct the clerical errors will not amount to filling up lacuna. It is also well settled law that an amendment cannot be rejected on the sole ground of delay if it will assist proper adjudication of the proceedings provided the other party will not be prejudiced.

5.2. In the light of the above discussions, this court comes to the conclusion that the proposed amendment is only of a clerical nature and in the result allowed. However, for the delay caused in the proceedings, the petitioners/defendants are directed to pay a cost of Rs.500/- to the contesting respondents/plaintiffs on or before 16.10.2025, 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 08th day of October 2025.

**District Munsif,
Mudukulathur.**

Both sides witnesses and documents : Nil

**District Munsif,
Mudukulathur.**