

**DMC ARAKKONAM 1 IA.01 of 2025 IN OS.15/2020  
IN THE COURT OF DISTRICT MUNSIF ARAKKONAM RANIPET DISTRICT**

**PRESENT:- Selvi.A.AMEENA.,BBA.,LLB(Hons)**

**DISTRICT MUNSIF, ARAKKONAM**

**Monday the 3rd day of November 2025**

**IA.No.01 of 2025 IN OS.15/2020**

**(CNR - TNRP080000382020)**

Rishi

---Petitioner/Plaintiff

(vs)

- 1.G.Thirunavukarasu
2. K.Nandhini
3. G. Venkatesan
4. The joint sub Registrar-II Arakkonam
5. the District Registrar, Arakkonam
6. The Inspector General of Registration, Santhome, Chennai
7. The Tahsildar, Arakkonam Taluk, Arakkonam
8. The collector of Ranipet District, Ranipet.

---Respondents/Defendants

This petition is coming for final hearing before me on 23.10.2025 in the presence of Mr.P.Nagarathinam counsel appearing for Petitioner/plaintiff. Mr.S.Sampathkumar counsel appearing for 2<sup>nd</sup> and 3<sup>rd</sup> respondents. Mr. Government Pleader appearing for 4<sup>th</sup> to 6<sup>th</sup> respondents. 1<sup>st</sup> respondent was set exparte on 05.08.2025. On perusal of entire case records having stood over for consideration till this day, this court has delivered the following:-

**ORDER**

The petition is filed under Order 6 rule 17 of CPC to amend the plaint as per the particulars of the amendment stated and pass orders.

**1. Brief Averments of petition:**

**1.1.** The petitioner states that he has filed suit for declarations and injunctions as prayed in the plaint by assuming that the suit property was comprised in survey number 946/ 17A Thakkolam village. He is an illiterate agriculturist the suit has been posted for trial and that advocate take steps to prepare the chief examination of Proof affidavit and for the same he scrutinized the Xerox copies of the document the original documents were already filed by the petitioner in the suit including the original sale deducted 27.11.1995 executed by G.Musami in favor of the petitioner. When the petitioners counsel during the second week of November 2024 observed the schedule of property reflected in Xerox copy of the sale deed he finds out that there is some ambiguity in the subdivision number of survey number as whether it is 946/17A or 946/17B to clarify the same the petitioners council directed the petitioner to obtain certified copy of the same and hence through E payment dated 20.11.2024 the petition obtained the certified copy of the sale date in which it has been found out that the soup property survey number is 946/17B instead of 946/17A so in the original sale did the actual survey number has been given as 946/17B and not as 946/17A.

**1.2.** Further more for further clarification the petitioners counsel directed the petitioner to obtain field map sketch in respect of survey number 946 Thakkolam village to find out a proper location of survey number 946/17B in which it is situated in the eastern end of survey number 946 which is the actual location of the suit property comprised in survey number 946/17B. The boundaries reflect in the sale did are correct and bound and within that boundaries the land is survey number 946/17B the situated to an extent of acre 0.30 cents that is Hector 0.12 .0 the mistake is neither will full or want on therefore press to grant permission to amend the plaint as per the particles of the amendment stated the petition.

**2. Brief Averments of counter:**

**2.1.** The respondent states that he denies all the allegations given in affidavit except those that are specifically admitted. The petitioner filed the suit for declaration

of title declaration of the sale deals as nylon void for permanent injunction and also for the mandatory injunction as against the defendants since the first defendant's parents intended to sell a land property in extent of 30 cents bearing survey No.94617A situated at the Thakkolam village Arakkonam Taluk in the court proceedings. So, second defendant's parents purchased the entire 30 cents for which the entire sale consideration amount of rupees 3 lakh was paid by her parents.

**2.2.** Further states that now the petitioner filed the petition to amend the survey number 946/17A into 946/17B which intend to grab this defendant's property. Actually, the second defendant purchase the land property bearing survey number 946/17A and subsequently the defendant purchased 15 cents. After purchasing 15 cents, it was subdivided as 946/17A1 and 946/17A2 and so the petitioner has given the soot property with subdivisions number. Now by way of seeking the amendment the petitioner has given the new case and contrary to the earlier pleadings. So, the petitioner filed this petition without sufficient proof that to against the registered sale deed. So, the petition is not maintainable and liable to be dismissed.

### **3.Points for consideration:**

Whether this petition is to be allowed or not?

On the side of the petitioner no oral evidence was adduced and Ex.P1 to Ex.P3 was marked. On the side of the respondent no oral evidence was adduced and Ex.R1 to Ex.R3 was marked.

### **4.Discussion and findings:**

**4.1.** Heard both sides. Perused the records. The case of the petitioner is that plaint was filed assuming that the suit property was comprised in survey number 946/17A Thakollam village, when the petitioner advocate when preparing proof affidavit finds ambiguity in the survey number mentioned in the sale deed. Thus, on obtaining certified copy the sale deed it is seen that suit property survey No.94617B but the boundaries are same. Hence, prays to amend the same.

**4.2.** Whereas, the contention of the respondent is that they have purchased the the property in survey No.946/17A the same is sub divisioned as 946/17A1 and

946/17A2 and the petitioner has given the same in suit property now by way of amendment the petitioner is bringing new case.

**4.3.** Upon perusal rival submission this court is of opinion that from Perusal of Ex.P1 the sale deed dated 27.11.1995 original it is seen that the survey number is stated like 946 of 17 A but this court could see that there is a slight line which shows like B instead of A. From perusing Ex.P2 the certified copy of the sale deed dated 27.11.1995 it could be clearly seen that the survey number is mentioned as 946/17B. Ex.P3 FMB sketch also shows as 946/17B. This court finds that there is only changes in the survey number but the boundaries in the plaint are same as. mentioned in the sale deed. The respondent has marked Ex.R1 Patta for survey number 946/17A2 in the name of Venkatesan, Ex.R2 shows there is subdivision of Survey No.946/17A as 946/17A1 and 946/17A2. Ex.R3 is the FMB sketch of S.No.946/17A2, 946/17A1, 946/17B.

**4.4.** It is pertinent to note that the suit is filed for declaration and permanent injunction. The plaintiff only amends the survey number but the boundaries are same. Whether S.No.946/17B boundaries and 946/17A1 and 946/17A2 are one and the same or not can be decided only after the full trial. At this stage amendment of Survey number is found necessary to determine the real disputes between parties. Considering that the trial has not yet commenced and it is trite law that amendment before commencement of trial should be considered liberally. Thus, as the amendment does not change the nature of the suit and further to avoid multiplicity of proceedings this court in interest of justice is inclined to allow this petition. In result this petition is allowed. No Cost.

Directly, typed by me in my laptop, corrected and pronounced by me in the Open Court on this the 3<sup>rd</sup> day of the November 2025.

District Munsif,  
Arakkonam.

**Petitioner side witnesses and Exhibits:- NIL****Petitioner side Exhibits:-**

Ex.P1	27.11.1995	Sale deed - Original
Ex.P2	27.11.1995	Sale deed - Certified copy
Ex.P3	-	FMB sketch

**Respondent side witnesses :- NIL****Respondent side Exhibits :-**

Ex.R1	-	Patta for survey number 946/17A2 in the name of Venkatesan
Ex.R2	-	Subdivision of Survey No.946/17A as 946/17A1 and 946/17A2
Ex.R3	-	FMB sketch of S.No.946/17A2, 946/17A1, 946/17B.

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Arakkonam.