

1.1. The petitioner states that he have filed a summery suit for recovery of Rs.2 lakh hand loan borrowed by the defendant in O.S.No.251/2023 before Hon'ble Subordinate court, Arakkonam in which the defendant set himself exparte. In O.S.No.78/2024 the defendant submits he has pay the interest till 2023 but not given any proof and further takes u turn and says through the memo and ready to pay the

entire the arrears has prayed in the suit but the real suit facts is another sum of 2 lakh at interest rate 24% per annum. Prays to permit the petitioner to amend the plaint.

2. Brief Averments of counter filed by respondent:

2.1. The respondent states that the petitioner/plaintiff has filed suit for recovery of mortgage amount of Rs.50,000/- along with interest. In O.S.No.78/2024 the respondent has deposited a sum of Rs.60,850/- towards the mortgage amount. O.S.No.78/2024 is filed by the respondent for redemption of the mortgage deed. The plaintiff is attempting to introduce entirely new and inconsistent allegation relating to alleged hand loan of Rs.2 lakh which are wholly unconnected with the present suit for mortgage. The real issue in the present suit is limited to mortgage transaction dated 17.7.2017. Hence, prayed to dismiss this petition.

3. Points for consideration:

Whether this petition is to be allowed or not?

No oral evidence was examined and no documentary evidence was marked on both the sides.

4. Discussion and findings:

4.1. Heard both sides. Perused the records. The case of the petitioner is that apart from Rs.50,000/- borrowed by the respondent/defendant by mortgaging the sale deed the respondent/defendant had borrowed another Rs.2 lakh as hand loan without giving any proof for which separate suit has been filed Hon'ble Subordinate court, Arakkonam in O.S.No.251/2023 and prays to amend those particulars of facts mentioned in petition in the plaint. Whereas the contention of the respondent is that, the suit has been filed for recovery of mortgage suit along with interest and the respondent/defendant had deposited a sum of Rs.60,850/- towards the mortgage amount and interest accrued. The petitioner/plaintiff is not attempting to introduce

new and inconsistency allegations by way of amendment which is wholly unconnected with the present suit.

4.2. On perusal rival submission this court of opinion that the petitioner has filed suit for recovery of mortgage amount of Rs.50,000/- along with the interest at the rate of 12% per annum. Further the respondent/defendant has filed suit for redemption in O.S.No.78/2024 for the same mortgage amount. Further the respondent/defendant has filed Ex.R1 which reveals the respondent has deposited a sum of Rs.60,850/- towards redemption mortgage deed in O.S.No.78/2024. Further it is pertinent to note that this suit has been filed for recovery of mortgage amount with respect to Rs.50,000/- now the allegation by the petitioner/plaintiff that the respondent/defendant had borrowed hand loan Rs.2 lakh without proof of document the same to be amended in plaint brings introduction of new facts which is irrelevant to the suit. Further the amendments is not necessary in this suit to determine the real dispute between the parties. Therefore, in interest of justice this court is not inclined to allow this petition.

In result this petition is dismissed. No cost.

Dictated to typist directly, typed in his computer, corrected and pronounced by me in the Open Court on this the 27th day of July 2026.

District Munsif,
Arakkonam.

Petitioner side witnesses and Exhibits :- NIL

Respondent side witnesses and Exhibits:- NIL

District Munsif,
Arakkonam.