

**DMC ARAKKONAM 1 IA.No.01 of 2025 IN OS.85/2019  
IN THE COURT OF DISTRICT MUNSIF ARAKKONAM RANIPET DISTRICT**

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

**DISTRICT MUNSIF, ARAKKONAM**

**Friday the 30<sup>th</sup> day of January 2026**

**IA.No.01 of 2025**

**IN**

**OS.85/2019**

**(CNR - TNRP080001532019)**

Mrs.Thirumalai

---Petitioner/ Plaintiff

(vs)

1. Vijaya
2. Ramachandran
3. Ravi

---Respondents/ Defendants

This suit is coming for final hearing before me on 21.01.2026 in the presence of Mr.C.Mathinirai Selvan counsel appearing for Petitioner/plaintiff. Mr.P.Ramamoorthy counsel appearing for Respondents/Defendants. On perusal of entire case records having stood over for consideration till this day, this court has delivered the following:-

**ORDER**

This petition is filed by Under Order 6 Rule 17 of CPC to amend the plaint as per particulars mentioned in the petition.

**1.Brief Averments of petition:**

**1.1.** The petitioner states that subsequent to the suit filed, this Hon'ble court appointed advocate commissioner to inspect the suit property. While advocate was commissioner measuring the suit property petitioner have notice that the suit was filed by the petitioner for the 2<sup>nd</sup> portion of settlement documents mentioned schedule

property bearing document No.70/1991 dated 26.02.1991. But during measured by the advocate commissioner petitioner noticed that the 2<sup>nd</sup> portion of property was not provided survey number by the revenue authorities. But petitioner wrongly shown the 1<sup>st</sup> portion's survey number infavour of 2<sup>nd</sup> portion. But the 1<sup>st</sup> portion such was not described in the suit schedule property.

**1.2.** The advocate commissioner's measurement that, the revenue authorities were missed to provide new Natham survey number to the amendment petition mentioned B-schedule property i.e. 2<sup>nd</sup> portion of petitioner's settlement deed. Hence petitioner was mistakenly provide survey number of A-schedule property in favor of B-schedule property.

**1.3.** Further states that while the advocate commissioner measured the New Natham survey No.542/23. Though the advocate commissioner sited the 2<sup>nd</sup> portion in his plan as NOPQ. It is the 2<sup>nd</sup> portion cum B-schedule property as well as this amendment petition. The revenue authority's lack to prove New Natham survey number to advocate commissioner plan mentioned NOPQ i.e. petitioner's settlement deed mentioned 2<sup>nd</sup> portion cum B-schedule property as per amendment petition. Hence, to amend the plaint to submit proper description of property as A&B schedule properties. Hence hereby filed this amendment petition and pray to permit to amend the plaint as particulars mentioned in the petition. Therefore,, prays to amend the plaint as per particulars mentioned in the petition.

## **2.Brief Averments of Counter filed by 1<sup>st</sup> Respondent/defendant:-**

**2.1.** The respondent states that the petitioner/plaintiff has no manner of any right, title or interest over the suit schedule property. The alleged settlement deed dated 26.02.1991 alleged to be relied upon by the petitioner is not true. She has filed detailed written statement in the above suit as early as in the year January, 2020 itself. The petitioner is fully aware of the same that the petitioner has no manner any right, title or interest over the property in Grama Natham S.F.No.542/28 old Natham

S.F.No.92 in Road street, Reddivalam village, now Nemili Taluk. She has purchased the property under the Regd. Sale deed dated 12.09.2007 from one J.Damodharan, S/o. Janakirama Mudali and ever since from the date of purchase she is in absolute possession and enjoyment of the same in her own right as absolute owner to the knowledge of the petitioner/plaintiff.

**2.2.** Further states that in the written statement filed by this defendant she has very clearly stated in paras 6 & 7 of the written statement that the description of property and the measurement given in the suit schedule is incorrect and that petitioner has no any right in respect of the property in S.F.No.542/28 which is situated on the eastern side of the property in S.F.No.542/25. The Advocate commissioner has inspected the property along with Taluk Surveyor and filed the report and plan which clearly shows that this respondent is the absolute owner of the property comprised in Old S.F.No.92 in New Natham S.F.No.542/28 measuring East to West 26 ft. on the North and 46 ft. on the South and North to South 117 on the West and 123 ft. on the East. In respect of the aforesaid property the petitioner has no right whatsoever in the same.

**2.3.** Further states that the petitioner/plaintiff having filed the suit for bare permanent injunction in respect of the suit schedule property and thereby specifically given in the suit schedule that the property in Natham Old S.F.No.92 New S.F.No.542/23 now by way of the proposed amendment he cannot delete property and substitute the new schedule of property as described in the proposed amendment. The petitioner has come to know about the property only at the time of inspection of the Advocate Commissioner along with the Surveyor is incorrect. The Advocate Commissioner inspected the suit property and filed his report as earlier as on 25.04.2004. Subsequently the above suit posted for trial and pending for trial for more than 6 months. At this juncture the petitioner has filed the above application to amend the suit schedule by deleting the property described in the suit schedule and

include the new schedule as A and B schedule as described in the amendment application which is not entitled to include the same.

**2.4.** The petitioner/plaintiff has filed the above suit as against this respondent in the year 2019 and after the lapse of 6 years when the above suit posted for trial he has come forward with the amendment application on false and vexatious averments. The petition is not at all maintainable either in law or on facts of the case. Therefore, prayed to dismiss the petition with cost.

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

Whether this petition is to be allowed or not?

There was no oral evidence examined and no documentary evidence was marked on the both side.

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

**4.1** Heard both sides. Perused the records. The petitioner has filed this petition to amend the plaint by adding the boundaries to the suit property as per Advocate commissioner report. Whereas, the respondent contends that the petitioner was aware of not adding the boundaries when filing written statement itself. Further contends that the defendant/respondent did not encroach the suit properties.

**4.2** Upon perusal of rival submission this court is of opinion that the amendment does not change the nature of the suit, further only if the boundaries are amended the suit can proceed further. Thus, this court considers that the amendment is necessary to determine the real dispute of the suit properties. Further considering that the trial has not been commenced in the main suit should be viewed in liberal sense further considering that to reduce multiplicity of proceedings this court in interest of justice is inclined to allow this petition with cost.

**4.3.** In result this petition is allowed with cost of Rs. 2000 to be paid directly to the respondent failing which this petition will be dismissed automatically.

Dictated to typist directly, typed in his computer, corrected and pronounced by me in the Open Court on this the 30<sup>th</sup> day of January 2026.

District Munsif,  
Arakkonam.

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

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

District Munsif,  
Arakkonam.