

**DMC ARAKKONAM 1 IA.No.02 of 2025 IN OS.2/2023  
IN THE COURT OF DISTRICT MUNSIF ARAKKONAM RANIPET DISTRICT**

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

**DISTRICT MUNSIF, ARAKKONAM**

**Tuesday the 24<sup>th</sup> day of March 2026**

**IA.No.02 of 2025**

**IN**

**OS.No. 2 of 2023**

**(CNR - TNRP080002432022)**

K.Arumugam

---Petitioner/Plaintiff

(vs)

1. S.Sivasanakaran

2. S.Mogandass

---Respondents/Defendants

This petition is coming for final hearing before me on 09.03.2026 in the presence of Mr.K.S.Sale Murugan counsel appearing for Petitioner/plaintiff and Mr.R.Saravanan 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**

The petition is filed for Under Order 6 rule 17 and section 151 of CPC to permit the petitioners to amend the suit in O.S.No.2 of 2023 on the file of this Honourable court.

**1.Brief Averments of petition:**

**1.1.** The petitioner states that he is the petitioner herein and plaintiff in the above suit. The suit is filed for the bare injunction. Now the defendant filed the written statement wherein stated that separate 4 cents is shown beyond the 10 cents of land. The respondent herein stated in the advocate commissioner petition that the B

schedule property to an extent of 4 cents and its boundaries stated in the petition as

"ஆறுமுகம் (வாதி) அவர்களின் வீட்டிற்கு கிழக்கு பாட்டை புறம்போக்கிற்கு மேற்கு ரோட்டுக்கு வடக்கு நடராஜன் புஞ்சை நிலத்திற்கு தெற்கு" are intentionally defined against the plaintiff. No such properties are there and no records are there to prove these boundaries. These boundaries are not clearly stated and it is an imaginary boundaries in order to grab the land which is sold to the petitioner. But in alter the respondent the title deeds having sale deeds document No.14788 of 2008 have clear boundaries that "நடராஜன் அவர்களின் புஞ்சை நிலத்திற்கு தெற்கு விஜயா அவர்களின் நிலத்திற்கு கிழக்கு மந்தைவெளி புறம்போக்கு நிலத்திற்கு வடக்கு பாட்டைக்கு (புறம்போக்கு) மேற்கு"

1.2. Further states that the death of Sanjivi leaving his sons Sivasankaran and Shekhar and daughter mangai as his legal heir. Without any partition in between their families, Sivasankaran illegally transferred the title deed do his son Mohandas through settlement deed 5086/2018 by using his name in converted as 76/12H and a total of 13 cents of land have been allotted in the name of Mohandass. Other members of his family were also involved. They refused to give a patta, authorities stated falsely that the above survey number was Grama Natham. But in alter they have been given patta illegally to the defendant to an extent of 76/12H.

1.3. Further states that after filing the written statement he came to know that the patta No.359 was issued in the name of the respondent/defendant in S.No.76/12H, a total of 13 cents of land was illegally transferred by way of a settlement deed having document 5086 of 2018 registered in Joint Sub Register-II at Arakkonam. Thereafter his son, Mohandass, illegally obtained patta No.359 respectively. Sent a representation in December 2023 to Ranipet District Collector, RDO at Arakkonam, and Tahsildar at Arakkonam to cancel patta issued to the respondent name through Registered post.

1.4. Further states that now the cloud is formed on the title of the plaintiff by the defendant to an extent of 4 cents. Hence it is just and necessary to amend the plaint. It is necessary to add the additional B schedule in the suit schedule area and the additional prayer is to be amended to declare that the above 4 cents is owned by the plaintiff and consequential prayer not to sale the suit B schedule property to any third person and also add another declaration prayer declaring the settlement deed dated 24.12.2018 having document no.5086 of 2018. Therefore prayed to permit the petitioners to amend the suit.

## **2.Brief Averments of Counter:**

2.1. The respondent states that after the death of the father or the 1<sup>st</sup> respondent/defendant namely Sanjivi, the other legal heirs of Sanjivi relinquished their share to the 1<sup>st</sup> defendant. The 1<sup>st</sup> respondent/defendant was in peaceful possession and enjoyment of the petition mentioned property as absolute owner and revenue records also changed in the name of the 1<sup>st</sup> respondent/defendant. Therefore the 1<sup>st</sup> defendant in the year 2018 itself. The settlement deed acted upon and the 2<sup>nd</sup> respondent/defendant is in peaceful possession and enjoyment of the petition mentioned property as absolute owner and revenue records also changed in the name of the 2<sup>nd</sup> respondent/defendant. The plaintiff is 3<sup>rd</sup> party to the B schedule mentioned property in Advocate commissioner application I.A.No.01 of 2024 which was filed by the 1<sup>st</sup> respondent/defendant. The plaintiff has no right to question about the execution of the Regd. settlement deed Doc.No.5086 of 2018. The plaintiff also no right to say that the 1<sup>st</sup> defendant illegally transferred the title deed to 2<sup>nd</sup> defendant.

2.2. Further states that the plaintiff is the adjacent owner of the suit property he has knowledge about the Regd. settlement deed 2018 itself. The petitioner's application is barred by limitation. The petitioner has no right to claim over the petition mentioned property to amend the plaint prayers. Because the petitioner's mother purchased the suit property only 10 cents from the 1<sup>st</sup> defendant father namely

Sanjivi. The petitioner has no loco-standi to file to amend the plaint prayer and it will change the cause of action. Therefore the petition is not maintainable either in law or on facts and the same is liable to be dismissed in limini.

**3.Points for consideration:**

Whether this petition is to be allowed or not?

No oral evidence has been adduced by either side. No exhibits were marked on either side.

**4.Discussion and findings:**

**4.1.** Heard both sides. Perused the records. The case of the petitioner is that he has filed suit for bare injunction the defendant/respondent had filed written statement that separate 4 cents shown beyond be 10 cents of land. After death of Sanjivi leaving his sons Sivasankaran, Sekar and Mangai as his legal heirs without any partition in between the parties Sivasankaran illegally transferred title deed to his son Mohandoss through settlement deed 5086/2018 by using his name in joint patta. The refused to give petitioner patta the authorities falsely stated that was grama Natham but they have given patta illegally to the defendant to an extent of 56/12H. After filing of written statement the settlement deed has been registered thus now the cloud his formed and title of the petitioner by the defendant to the extent of 4 cents. Hence prays to amend the plaint.

**4.2.** Whereas, the contention of the respondent is that the petitioner is that the adjacent owner and 3<sup>rd</sup> party to the B schedule property the advocate commissioner application. The petitioner/plaintiff has no right to question about the execution of the registered settlement deed Doc.No.5086/2018. The relief is barred as the petitioner/plaintiff as the knowledge about the above said registered settlement deed in the year 2018 itself.

**4.3.** On perusal of rival submission this court of opinion is that the petitioner/plaintiff states that the settlement deed had been executed including the 4

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cent which belongs to plaintiff/petitioner. Considering that the trial has not been commenced and it is well settled law that amendment before commencement of trial should be viewed liberally this court is of opinion that the amendment does not change the nature of the suit, Further to reduce multiplicity of proceedings. Hence, interest of justice this court is inclined to allow this petition.

In result this petition is allowed. No cost.

Dictated to typist directly, typed in his computer, corrected and pronounced by me in the Open Court on this the 24<sup>th</sup> day of the March 2026.

District Munsif,  
Arakkonam.

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

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

District Munsif,  
Arakkonam.