

IN THE COURT OF DISTRICT MUNSIF, METTUR, SALEM DISTRICT

Present: **Thiru. M.Selvam, B.A., B.L.,**

District Munsif, Mettur

Thursday, this the 30th day of April 2026

I.A.No. 15 of 2025

in

O.S. No. 91 of 2015

(CNR No. TNSA17-000021-2015)

Kousicraj

... Petitioner/Plaintiff

/versus/

1. Saravanan

2. The District Collector,
Salem.

3. The Tahsildar, Mettur.

... Respondents/Defendants

This petition came up before me for final disposal in the presence of Mr. N. Manikandan., M.A., B.L., the learned counsel for the petitioner/plaintiff and Mr. P. Kathiravan., B.A., B.L., the learned counsel for the 1st respondents/1st defendant and Mr. S. Harinarayana., B.Com., B.L., the learned Government pleader appearing for the 2nd and 3rd respondents/2nd and 3rd defendants. Enquiry heard and having stood over for my consideration till this day, this court passed the following:-

ORDER

Petition filed by the petitioner/plaintiff under Order 6 Rule 17 of CPC to amend the plaint as set out in the petition.

1. Brief averments in the petition is as follows:

1.1. The petitioner is the plaintiff in the original suit and the same was filed for the relief of declaration and mandatory injunction as against the respondents. While the suit is pending, the petitioner herein and his father had entered into a

partition on 17.11.2020 and the suit property is allotted to the share of the petitioner. Hence, the petitioner is intended to proceed the suit in the capacity of an absolute owner instead of co-owner. Therefore, it is necessary to amend the plaint in this regard and thereby, this petition is filed by the petitioner/plaintiff.

2. Brief averments in the counter filed by the 1st respondent is as follows:

2.1. The 1st respondent specifically denied the averments made in the petition. The petitioner had filed this petition on false grounds. The alleged partition was took place between the petitioner and his father in the year 2020. But this petition is filed after a period of 3-1/2 years, even not whispering the same during his evidence and had come forward now after the expiry of limitation alleging that he is the owner of the suit property. Hence, this petition itself is barred by law of limitation and thereby, liable to be dismissed.

3. The respondents 2 and 3 had submitted to pass orders on merits.

4. No oral and documentary evidence on either side.

5. Points for Consideration:

(i) Whether the amendment sought for in this petition has to be allowed or not ?

6. Both side rival submissions heard with regard to their respective pleadings and perused the materials on record. The original suit is filed by the petitioner/plaintiff for the relief of declaration, to declare his right of enjoyment in the suit 1st item of property and drinking water pipe line in the suit 2nd item of property and for mandatory injunction to direct the defendants 2 and 3 to modify the Survey no. 284/2B11B at the suit village as cart track and to direct the 1st defendant to remove the water pipe line laid by him therein and consequential relief of permanent injunction.

7. As per the plaint pleadings, the petitioner/plaintiff had filed the original suit claiming the above relief contending that he is the co-owner of the suit property along with his father namely Chandrasekar. When the suit was posted for arguments, the petitioner/plaintiff had filed an applications in I.A.No. 13 and 14 of 2025 to recall the PW1 and to mark certain documents and the same was allowed by this court on 29.10.2025. At this stage, the petitioner/plaintiff had come forward with this petition to amend the plaint alleging that while the suit is pending, the petitioner herein and his father had entered into a partition on 17.11.2020 and the suit property is allotted to the share of the petitioner and hence, the petitioner is intended to proceed the suit in the capacity of an absolute owner instead of co-owner.

8. The amendment sought for by the petitioner/plaintiff is only a subsequent event occurred in respect of his right over the suit property. As per the facts and circumstances of the suit, this court forms opinion that claiming the right over the suit property by the petitioner/plaintiff by way of co-owner along with his father or by way of an absolute ownership does not change or alter the nature of the suit or the cause of action, because in this suit, the petitioner/plaintiff alone is claiming his right as a sole plaintiff and the father of the petitioner/plaintiff is not a party to the suit. The question of limitation raised by the 1st respondent in respect of the amendment sought for by the petitioner/plaintiff is also not having considerable force. Because, the petitioner/plaintiff is not claiming any new relief by way of amendment or introducing any new relief in the suit. Therefore, from the overhaul discussion and in the interest of justice and in order to avoid multiplicity of proceedings, this court is inclined to allow this petition.

In the result, this petition is allowed. Considering the facts and circumstances of this case, there is no order as to cost.

This order is typed by me in my official laptop, corrected and pronounced by me in the open court on this 30th day of April 2026.

**District Munsif,
Mettur.**

Both side witnesses and exhibits : Nil

**District Munsif,
Mettur.**