

IN THE COURT OF DISTRICT MUNSIF COURT, METTUR, SALEM DISTRICTPresent: **Thiru. M.Selvam, B.A., B.L.,**

District Munsif, Mettur

Saturday, this the 08th day of August 2026**I.A.No. 05 of 2026****in****O.S. No. 180 of 2021**

(CNR. No. TNSA17-000223-2021)

1. Chinnaponnu

2. Karpagam

... Petitioners/Plaintiffs

/Versus/

1. Shyamala

2. Semban

...Respondents/Defendants

This petition came up before me for final disposal in the presence of Mr. D. Manohar., B.A., B.L., the learned counsel for the petitioners/plaintiffs and Mrs. K. Sathyapriya., B.A., B.L., the learned counsel for the 2nd respondent/2nd defendants. The 1st respondent was set-exparte on 10.07.2026. Enquiry heard and having stood over for my consideration till this day, this court passed the following:-

ORDER

Petition filed by the petitioners/plaintiffs to amend the original plaint as set out in the petition.

1. Brief averments in the petition is as follows:

1.1. The petitioners herein are the plaintiffs in the original suit and the same was filed for the relief of partition and injunction. At the time of filing of the suit, inadvertently, the petitioners had not disclosed the houses in the suit properties. While in the cross examination, the 1st petitioner had answered about the houses in the suit properties. Then only the counsel of the petitioners had clarified regarding

the houses in the suit properties. The proposed amendment did not change the nature of the suit. The delay happened is neither willful nor wanton. The respondents would not be prejudiced if this petition is allowed. On the other hand, if this petition is dismissed, the petitioners would suffer irreparable loss.

2. Brief averments in the counter filed by the 2nd respondent/2nd defendant is as follows:

2.1. The petitioners had not at all filed the guideline value in order to arrive the value of the subject matter described in the proposed amendment. The petitioners had also not filed any documents to show how they arrived the said value. The petitioners had not at all described the removal of the existing court fee column in the proposed amendment. Though this respondent had averred about the payment of the court fee in the written statement, this petition is filed only after the cross examination of the PW1. Hence, this petition is liable to be dismissed.

3. The 1st respondent was set-exparte on 10.07.2026 for non filing of counter statement.

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 petitioners/plaintiffs for partition of their 4/12th share in the suit properties and for it's separate possession and for the consequential relief of permanent injunction. The stage of the case is for further plaintiffs side evidence.

7. At this stage, the petitioners/plaintiffs had come forward with this petition to amend the plaint as set out in their petition. It is the contention of the

petitioners/plaintiffs that at the time of filing of the suit, inadvertently, they had not disclosed the houses in the suit properties and while in the cross examination, the 1st petitioner had answered about the houses in the suit properties. Then only the counsel of the petitioners had clarified regarding the houses in the suit properties.

8. This court had gone through the proposed amendments described in this petition. The proposed amendments are all with regard to including the house buildings in the suit schedule of properties and in respect of the change in valuation of the subject matter of the suit. It is no doubt that the proposed amendment would not change or alter the nature of the suit or introduce any new cause of action in the suit. Hence, there is no impediment in allowing the said proposed amendments.

9. The main contention raised by the 2nd respondent/2nd defendant is that the petitioners had not at all filed the guideline value in order to arrive the value of the subject matter described in the proposed amendment and the petitioners had also not filed any documents to show how they arrived the said value. As per section 7 of the Tamil Nadu Court Fee and Suit Valuation act, 1955, the determination of the market value assessed by the plaintiff shall be accepted by the court at the initial stage of numbering the suit, subject to objection that may be raised by the other party to the litigation. Though the proposed amendment was made after numbering the suit and while the proceedings are pending, the said proposed amendment would come into operation from the date of institution of the plaint. Therefore, as provided under the said provision of law, this court forms opinion that the determination made by the petitioners/plaintiffs in respect of the assessment of the market value can be accepted even at this stage. The 2nd respondent/2nd defendant had also not produced any materials to dispute the determination made by the petitioners/plaintiff. Hence, the contention of the 2nd respondent/2nd defendant with regard to the determination of the market value made by the petitioners/plaintiffs is left open to be decided in the main suit proceedings, if at all, the respondents/defendants had specifically raised any objections in this regard. The yet

another contention raised by the 2nd respondent/ 2nd defendant with regard to the proposed amendment in the court fee column is also not having any considerable force and does not fatal the claim of the petitioners/plaintiffs. Therefore, from the overhaul discussion and in the interest of justice, this court is inclined to allow this petition.

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

This order is typed by me in my official laptop and corrected and pronounced by me in the open court on this 08th day of August 2026.

**District Munsif,
Mettur.**

Both side Witnesses and Documents: Nil

**District Munsif,
Mettur.**