

IN THE COURT OF DISTRICT MUNSIF COURT, METTUR, SALEM DISTRICT

Present: **Thiru. M.Selvam, B.A., B.L.,**
District Munsif, Mettur
Wednesday, this the 23rd day of July 2025

I.A.No. 05 of 2024
in
O.S. No. 152 of 2022
(CNR. No. TNSA17-000228-2022)

Viji ... Petitioner/Plaintiff
/Versus/

1. Sundarajan

2. Lakshmi ... Respondents/Defendants

This petition came up before me for final disposal in the presence of Mr. A. Arunprasad., B.A., L.L.B., the learned counsel for the petitioner/plaintiff and Mr. P.S.Sundarajan., M.A., B.L., the learned counsel for the respondents/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 permanent injunction. The petitioner had filed the suit by mentioning the survey number of the suit property at the time of his purchase. The petitioner had failed to mention the survey number, which was assigned after the patta transfer was made. The petitioner is not introducing any new facts in the case. The respondents would not be prejudiced in any manner. Hence, this petition.

2. Brief averments in the counter filed by the respondents is as follows:

2.1. The respondents denied the averments made in the petition. The relief seeking to include the patta no.4265 instead of patta no.1751 is a joint patta and not a separate name holder patta. On changing the said patta, the nature of the suit will be changed and it gives the way to render injustice to the respondents. The petitioner had not come to court with clean hands. Hence, this petition is liable to be dismissed.

3. No oral and documentary evidence on either side.

5. Points for Consideration:

(i) Whether this petition has to be allowed or not ?

6. Both side rival submissions heard with regard to their pleadings and perused the materials on record. This petition is filed by the petitioner/plaintiff to amend the plaint as set out in the petition. In the petition averments, it was mentioned that the petitioner wants to add the new survey number of the suit property in the description of the plaint schedule. But on perusal of the proposed amendment set out in the petition, it shows that it is only with regard to include the new patta number issued in respect of the suit property. The said patta was also produced by the petitioner as plaint document no. 03. On perusal of the same, it shows that the survey number was mentioned as 341/12 as averred in the plaint schedule and the patta number was mentioned as 4265.

7. The learned counsel for the petitioner was also present today and represented that the amendment is only in respect of the new patta number as set out in the proposed amendment and not in respect of it's survey number and it was mistakenly typed in the averments as survey number. The proposed amendment described in the petition as about the new patta number was clearly mentioned therein. The amendment have to be made in respect of the new patta number,

without any change in the survey number would not change the nature of the case. Such being the position, this court forms opinion that dismissing this petition for the typographical error made in the averments would not advance the interest of justice to either parties. The respondent though disputed the patta as such it was issued jointly, he had not shown any valid objection with regard to the proposed amendment mentioned in this petition. The validity of the said patta could very well be decided in the original suit after examining the both side evidence, if any let in in this regard. The respondent would also no way prejudiced, if this petition is allowed. Hence, in the interest of justice and to avoid multiplicity of proceedings, 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, corrected and pronounced by me in the open court on this 23rd day of July 2025.

**Sd/-Thiru.M.Selvam,
District Munsif,
Mettur.**

Both side Witnesses and Documents: Nil

**Sd/-Thiru.M.Selvam,
District Munsif,
Mettur.**

