

**IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI**

**PRESENT: Thiru. A. DHARANIDHARAN, B.Sc., M.L., M.A., LL.M., Dip.JJJP**  
District Munsif, Devakottai  
Monday, the 06<sup>th</sup> day of February, 2023

**I.A. 06/2022**  
in  
**O.S. No. 121/2013**

Azhagar

Petitioner/Plaintiff

Vs

1. Karupaiah  
S/o Muthan
2. Thangavelu,  
S/o Muthan,
3. Sornavalli,  
W/o Subbaiah
4. Vazhavanthal, (Died)  
W/o Vellaikannu
5. Kaliammal,  
W/o Chidambaram
6. Vellaikannu  
S/o Kalimuthu
7. Karupaiah,  
S/o Vellaikannu
8. Pandimeenal,
9. Raaku
10. Veeraiya  
(Amended as per Order in I.A. No. 7/2022  
Dated 13/09/2022)

Respondents/Defendants

These petitions having been finally heard on 06.02.2023 in the presence of

Mr. N. Ramji, the learned counsel for the Petitioner/Plaintiff and Mr. N. Sankar, the learned counsel for Respondents/Defendants upon hearing the arguments of both sides and after perusal of the entire records and having stood over for my consideration till this day, this court delivers the following:

### **ORDER**

The petition was filed by Petitioner/Plaintiff under Order 6 Rule 16 and 17 and Sec 151 of Civil Procedure code, to amend the survey numbers and shall proceed with the suit.

**2. The averments set out in the petition/affidavit filed by the petitioner is as follows:**

2.1 The Petitioner states that she is the Plaintiff of the Suit and the suit has been instituted for the relief of declaration and permanent injunction restraining defendants, their men, agents, servants from in any manner interfering with plaintiff's peaceful possession and enjoyment over the suit property.

2.2 The petitioner states that due to her illiteracy and due to lack of attention shown in reading the plaint, the new Survey Numbers were omitted which is neither willful nor wanton.

**3. The averments set out in the Counter is as follows:**

3.1 The respondents deny almost all the averments stated in the plaint. Save those allegations that are expressly and specifically admitted hereunder, this respondent denies all other allegations in the petition as false, untenable, and devoid of merits.

**4. Now the point for consideration is whether the petitioner is entitled to get the relief as prayed for?**

5. No oral evidence were adduced on the side of the Petitioner/Plaintiff. The documentary evidences were not marked.
6. No oral or documentary evidence was adduced on the side of the Respondents/Defendants.
7. Both the sides heard. The material records were perused.
8. This petition was filed by the petitioner under Order 6 Rule 17 read with section 151 of CPC praying for amendment of the plaint, specifically Survey Nos. 242/1D2, 242/1D1, 242/1B next to 59 cents. The respondents contend that the new survey numbers should have been stated in the Schedule at the time of institution of the suit and had raised their strong objections.
9. This Court is of the considered opinion that the Object of Order VI Rule 17 casts an obligation on the litigant to carry out such amendments as are necessary for the purpose of determining the real question in controversy. This Court is of the considered opinion that the petitioner could have raised the insertion of new survey numbers after 59 cents before the Commencement of trial. Moreover, this Court is of the considered opinion that allowing this petition may tend to prejudice, embarrass or delay the fair trial of the suit which is already a decade old case.

**In the result, this petition is dismissed. No costs.**

This Order was directly typed by me in my official laptop, corrected by me and pronounced by me in the open Court on this the 06<sup>th</sup> day of February 2023.

**District Munsif,  
Devakottai**

**Annexures:**

List of witnesses on the side of the Petitioner/Plaintiff  
NIL

List of documents on the side of the Petitioner/Plaintiff  
NIL

List of witnesses on the side of the Respondents/Defendants  
NIL

List of documents on the side of the Respondents/Defendants  
NIL

**District Munsif,**  
Devakottai