



(I.A. No. 2/2026 in O.S. No. 74/2024)

IN THE COURT OF DISTRICT MUNSIF, AUNDIPATTI.

PRESENT: Thiru. E. Suganthan, B.A., L.L.M.,

District Munsif, Aundipatti.

Tuesday, the 10th day of March 2026

IA. No : 02/2026

in

OS. No : 74/2024

CNR. No. TNTH140000982024

P.Veerammal

...Petitioner/Plaintiff

..Vs..

1. Varadharaju

2. Rathinam

.... Respondents/Defendants

This Petition came up on 16.02.2026 before this court for final hearing in the presence of Mr.R.N.S.Amarnath Babu, Advocate for the Petitioner and Advocate Mr.G.Ranjith kumar for the Respondents and Upon hearing the arguments on both the sides and having stood over till this day for my consideration, this court delivers the following...

ORDER

This petition has been filed by the Petitioner/Plaintiff under Order VI Rule 17 of the Code of Civil Procedure seeking amendment of the plaint by altering the prayer portion as stated in the petition.

2. Case of the Petitioner:

The case of the Petitioner/Plaintiff is that she has instituted the present suit seeking the relief of permanent injunction restraining the Defendants from interfering



with her peaceful possession and enjoyment of the suit property. According to the petitioner, after the institution of the suit, the Defendants have filed their written statement wherein they have seriously disputed the title of the Plaintiff to the suit property. By raising such a contention, the Defendants have created a cloud over the title of the Plaintiff. In view of the said defence, it has become necessary for the Plaintiff to seek an additional relief of declaration of her title to the suit property. Therefore, the present amendment petition has been filed seeking to amend the prayer portion of the plaint so as to include the relief of declaration along with consequential relief. The petitioner would further submit that the amendment is necessary for the effective adjudication of the real dispute between the parties and no prejudice would be caused to the respondents if the amendment is allowed.

3. Case of the Respondents:

The Respondents/Defendants have strongly opposed the petition. According to them, the suit property had already been sold by the Plaintiff's mother on 25.05.1962, and therefore the Plaintiff's mother had no subsisting right or title over the property thereafter. It is further contended that the property was later settled in favour of the Plaintiff by way of a Settlement Deed dated 08.03.2013, but the said settlement deed is void and not legally valid, as the executant had no right over the property. Apart from this, the Respondents have also raised several other grounds to contend that the settlement deed relied upon by the Plaintiff is invalid. The respondents would further



submit that the amendment sought to be introduced would change the nature and character of the suit, which was originally filed only for injunction, and therefore such amendment cannot be permitted. Hence, they pray for dismissal of the petition with costs.

4.Points for Consideration

The point that arises for consideration is:

Whether the amendment sought for by the Petitioner/Plaintiff under Order VI Rule 17 CPC can be allowed or not?

On the side Respondents Ex.R1 to Ex.R10 were marked and there were no documents were produced on the side of Petitioners.

5.Discussion and Reasoning:

i) Heard the Learned Counsel appearing for both sides and perused the materials available on record. On perusal, this petition has been filed under Order VI Rule 17 of the Code of Civil Procedure seeking amendment of the plaint by incorporating the relief of declaration of title in addition to the existing relief of permanent injunction. The reason stated by the Plaintiff is that in the written statement, the Defendants have seriously disputed the title of the plaintiff in the suit property, which neccessiated the filing of present amendment petition. On the other hand, the Defendants oppose this petition on the ground that the Plaintiff is not having right over the suit property and this present suit itself is a fabricated one. Hence, they prayed to dismiss the suit.



ii) It is settled position that Under Order VI Rule 17 of CPC, the Court is empowered to allow amendment of pleadings at any stage of the proceedings if such amendment is necessary for determining the real questions in controversy between the parties. The Hon'ble Supreme Court in **Revajeetu Builders and Developers vs. Narayanaswamy & Sons (2009) 10 SCC 84** has held that amendments should ordinarily be allowed if they are necessary to determine the real controversy between the parties and if such amendment does not cause injustice to the opposite party.

iii) Similarly, in **Baldev Singh vs. Manohar Singh (2006) 6 SCC 498**, the Hon'ble Supreme Court observed that the provisions relating to amendment of pleadings should receive a liberal construction, particularly when the amendment is necessary for effective adjudication of the dispute. Therefore, the primary consideration before this Court is whether the proposed amendment is necessary for resolving the actual dispute between the parties.

iv) In the present case, the suit has originally been filed for permanent injunction restraining the defendants from interfering with the possession of the plaintiff. However, from the written statement filed by the Defendants, it is seen that the Defendants have seriously disputed the title of the Plaintiff over the suit property. They have specifically contended that the Plaintiff's mother had already sold the suit property on 25.05.1962, and therefore she had no right to execute the settlement deed dated 08.03.2013 in favour of the Plaintiff. On the basis of the said contention, the



Defendants have also questioned the validity of the settlement deed relied upon by the Plaintiff. Thus, the Defendants have clearly raised a cloud over the title of the Plaintiff.

v) In this regards, The Hon'ble Supreme Court in **Anathula Sudhakar vs. P. Buchi Reddy (2008) 4 SCC 594** has categorically held that where the title of the plaintiff is seriously disputed or a cloud is raised over the title, the proper remedy for the plaintiff is to seek a declaration of title along with consequential relief of injunction. Therefore, in view of the stand taken by the Defendants, the Plaintiff is justified in seeking amendment of the plaint so as to include the relief of declaration.

vi) In this petition, The Respondents have raised several objections regarding the alleged invalidity of the settlement deed dated 08.03.2013 and contended that the Plaintiff has no title over the suit property. However, such objections relate to the merits of the claim, which can only be decided during the course of trial upon appreciation of oral and documentary evidence. It is a settled law that while considering an application for amendment, the Court should not examine the correctness or validity of the claim sought to be introduced. In other words, the merits of the proposed amendment cannot be adjudicated at the stage of deciding the amendment petition. Therefore, the objections raised by the Respondents regarding the validity of the settlement deed cannot be a ground to reject the amendment petition at this stage.



vii) The Respondents have further contended that the amendment would alter the nature of the suit. It is true that the original suit has been filed only for permanent injunction. However, the amendment sought for is only to include the relief of declaration of title arising out of the same set of facts and relating to the same suit property. The Hon'ble Supreme Court in **Sampath Kumar vs. Ayyakannu (2002) 7 SCC 559** has held that conversion of a suit for injunction into a suit for declaration and injunction can be permitted if such amendment is necessary for determining the real dispute between the parties. Therefore, the proposed amendment cannot be said to introduce a completely new cause of action, nor can it be said to fundamentally alter the nature of the suit.

viii) Another important aspect to be considered in the present case is the consequence of the proposed amendment on the pecuniary jurisdiction of this Court. It has been brought to the notice of this Court that if the amendment is allowed and the relief of declaration is included, the valuation of the suit would rise to Rs.3,08,000/-, which is beyond the pecuniary jurisdiction of this Court. Therefore, once the amendment is allowed, this Court will not have the jurisdiction to try the suit.

ix) In such circumstances, the proper course would be to return the plaint for presentation before the competent Court having pecuniary jurisdiction, as contemplated under Order VII Rule 10 CPC. Thus, the fact that the valuation of the



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suit would exceed the pecuniary jurisdiction of this Court cannot be a ground to reject the amendment petition. On the contrary, the amendment can be allowed and the plaint can thereafter be returned to the proper Court for presentation.

x) On perusal of the Amendment details given by the plaintiff, it is seen that the Plaintiff wanted to include the relief of declaration and for consequential injunction to restrain the defendants from disturbing the plaintiff possession in the suit property. However, she also wanted to retain the earlier prayer for permanent injunction for the same purpose. Such amendment would create confusion. Hence, the amendment prayer in Sl. No. 2 of the Petition is rejected.

xi) From the above discussion and also considering the nature of the defence taken by the Respondents and the cloud raised over the Plaintiff's title, this Court is of the view that the amendment sought for is necessary for complete and effective adjudication of the dispute between the parties. If the amendment is not allowed, the Plaintiff may be compelled to institute a separate suit for declaration, which would result in multiplicity of proceedings, which the law seeks to avoid. Therefore, this Court finds that the amendment sought for by the Plaintiff is bona fide and necessary for determining the real controversy between the parties.

In the result, this petition is allowed. No costs



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Typed and corrected by me directly in my Laptop, printed by steno-typist and pronounced by me in open court on 10th Day of March 2026.

**District Munsif,
Aundipatti.**

List of Petitioner side witnesses : Nil

List of Petitioner side documents: Nil

List of Respondents side witnesses: Nil

List of Respondents side documents:

S.No.	Exhibit	Document	Date	Nature
1.	Ex.R1	Partition deed	10.02.1958	SRO Copy
2.	Ex.R2	Sale deed	25.05.1962	SRO Copy
3.	Ex.R3	Sale Deed executed by Late Arunachalam	03.03.1969	SRO Copy
4.	Ex.R4	Settlement Deed	08.03.2013	SRO Copy
5.	Ex.R5	Encumbrance Certificate	-	Web Copy
6.	Ex.R6	Proceedings of Periyakulam Sub Collector in D.No.5771/2025/A2	01.10.2025	Xerox
7.	Ex.R7	Order in W.P. (MD)No.17012 of 2025	24.06.2025	Web Copy
8.	Ex.R8	Order in W.P. (MD)No.31410 of 2024	03.01.2025	Web Copy
9.	Ex.R9	Proceedings of Periykulam Sub Collector In Pa. Mu. 5771/2025)	01.10.2025	Xerox
10.	Ex.R10	Gift deed	26.04.2021	Xerox

**District Munsif,
Aundipatti.**



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IA. No : 02/2026
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OS. No : 74/2024
Fair/ Draft Order
Dated: 10.03.2026