

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

**Present:- Thiru. V. Kalidasan, B.Com., L.L.M.,  
District Munsif, Palladam.**

Thursday the 29<sup>th</sup> day of January 2026

**IA No.10/2025**

**in**

**OS No.60/2015**

1. P.K. Ganeshwar
2. V. Natarajan (Died)
3. S. Arumugham (Died)
4. Vasanthi
5. A. Vibhin
6. Vinitha
7. Shanmugam

...Petitioners/Plaintiffs

***/Vs/***

1. State Rep. By the District Collector,  
Tiruppur District.
2. The District Revenue Officer, Tiruppur
3. The Revenue Divisional Officer, Tiruppur
4. The Tahsildar, Palladam Taluk.
5. The Village Administrative Officer,  
Semmipalayam Village.
6. The Assistant Commissioner,  
H.R. & C.E. Tiruppur.
7. The Executive Officer,  
Pongaliamman Temple, Palladam.
8. Nalini

9. Kamalam

...Respondents/Defendants

This Petition is coming on 22.01.2026 for final hearing before me in the presence of Selvi.R.Krishnaveni, B.A.,B.L., Advocate for the Petitioners and Additional Government Pleader Tmt.T.Renukadevi, M.A., B.L., Advocate for the Respondents 1 to 6, and Thiru.V.Raveendran, B.Sc., B.L., Advocate for 7<sup>th</sup> respondent, and respondents 8 and 9 are set exparte, Upon perusing the Petition, affidavit, counter statement and other connected materials on record and hearing the arguments of both sides and having stood over till this day for consideration, this court made the following...

**ORDER**

1. The petitioners filed this petition in IA No.10/2025 Under Order 6 Rule 16 & 17 and Under Section 151 of CPC, that to grant him leave to amend the plaint, as detailed petition.

**2. Brief averments of the petitioners:-**

Originally, the suit was filed by 1<sup>st</sup> petitioner, along with one Sri. Palanisamy Gounder, son of Chinnia Gounder of Semmipalayam Village & Post, Palladam Taluk. During the pendency of the suit, Sri. Palanisamy Gounder died and his legal heirs refused to co-operate to continue the suit. Hence, Sri. Palanisamy Gounder (who was the 4th plaintiff) was strike off from the above suit as per the as per the orders dated 4.2.2025 passed by this Court in IA.No.5/2024. An application in I.A.No.8/2025 was also filed to strike off the pleading related to Sri. Palanisamy Gounder (who was the 4th plaintiff), and the same was allowed by this Court on 4.3.2025. Due to oversight, however, the properties belonging to him, which were described as Item 4 of the plaint

schedule, have not yet been deleted. This omission is neither wanton nor wilful but due to the above said bonafide reason. Hence, they are filing this petition to amend the plaint to delete Item 4 of the properties described in the plaint schedule. If Item 4 of the properties remains in the plaint, it will lead to a lot of confusion and complications. The proposed amendments are consequential one and will not prejudice the respondents in anyway. The proposed amendments will not change the nature and character of the suit in anyway. Unless they are permitted to amend the plaint, as detailed in the petition, they will be put to irreparable loss and hardship. Hence, this petition.

**3. Brief averments of the counter filed by the 6<sup>th</sup> Respondent and adopted by the Respondents 1 to 5:-**

The petitioners have framed the petition with vague reasons. Further the Respondents states that the entire reasons stated by the petitioners has to be prove by them. This court also allowed the petition in IA.No.8/2025 which filed for amendment and posted for APC and carryout amendment on 18.03.2025. Subsequent to allowing the the I.A.No.8/2025, the petitioners filed the Amended plaint and carried out at very next hearing. The petitioner had a several opportunities to strikeout the item no 4 of the suit properties. But the petitioner did not do the above said and came forward with this petition with the deliberate intention to drag the suit proceedings. Therefore, this petition is liable to be dismissed.

**3. Brief averments of the counter filed by the 7<sup>th</sup> Respondent:-**

This respondent admits that, an application in I.A. No.8/2025 was also filed to strike off the pleading related to Palanisamy Gounder, and the same was allowed by this Court on 04.03.2025 further it is false and incorrect to alleged

that due to oversight, the properties belonging to deceased Palanisamy, Item 4 of the plaint schedule, have not yet been deleted and this omission is neither wanton nor willful and due to the above said bonafide reason. The entire 4 items of the suit properties belonged to the 7<sup>th</sup> defendant temple and all the revenue records are stands in the name of the temple. There is no Patta was issued to the plaintiffs no.1 to 4 under minor Inam abolition act. While being so if any decree passed by the court will also binding the entire suit properties. The plaintiffs are attempting to confuse and mislead the court. The proposed amendment is unnecessary one. Therefore, this petition is liable to be dismissed.

**4. Points for consideration:**

Whether this petition will be allowed or not ?

5. Heard both sides. No oral or documentary evidence let in by the both sides.

**6. Answer to the point :**

Materials on records perused. It is seen from the records the suit in O.S. No.60/2015 has been filed for Declaration and Consequential injunction. This petition was filed by the petitioners Under Order 6 Rule 16 & 17 and Under Section 151 of CPC, to grant him leave to amend the plaint, as detailed in the petition.

7) The learned counsel for the petitioner submitted that the 1<sup>st</sup> petitioner filed the above suit along with one Palanisamy. The said Palanisamy was died during the pendency of the above suit. The Legal heirs of the said Palanisamy were not cooperated with the petitioners to proceed the case. Therefore, the petitioners strikeout the said Palanisamy from the above suit. But, due to

oversight the properties of Palanisamy which described as Item 4 suit property was not deleted from the plaint schedule. Remaining his properties in the schedule, will create confusion in the above case. Therefore, it is necessary to remove the item 4 of the suit property from the plaint schedule. Hence, prayed to allow this petition.

8) The learned counsel for the respondents submitted that it is false that the legal heirs of the Palanisamy had not cooperated with the petitioners. The entire suit property was belonged to the 7<sup>th</sup> defendant temple. There is no patta was issued in favour of the petitioners. Therefore, the amendment sought by the petitioners is unnecessary. Hence, this petition liable to be dismissed.

9) On perusal of records it is clear that the this court had allowed the IA.No.5/2024 by order dated 04.02.2025 allowing the petitioners to strike off the said Palanisamy who was added as 4<sup>th</sup> plaintiff at the time of filing of the suit. Further, to strike off the pleadings, the IA.No.8/2025 was also allowed by this court by order dated 04.03.2025. But, the properties of the said Palanisamy which was described as Item 4 of the suit schedule property was not strike out from the plaint.

10) It is a settled law and it is the very clear in the provisions for amendment under the order VI Rule 17 of CPC that before commencement of the trial the Court must approach liberally in allowing the amendment applications. Unless the court come to the conclusion that in spite of due diligence, the petitioners could not raised the matter before commencement of Trial, the amendment application should be not allowed. It is pertinent note that in the present case admittedly the trial proceedings was not yet commenced and the suit is pending in the stage of trial only. On considering the reason stated by

the petitioners and in view of the provision Under Order VI Rule 17 of CPC, there is a prima facie to allowing the petition. Therefore, in the interest of justice this court is inclined to allow this petition.

**In the result,** this petition is allowed. No cost.

Dictated to Steno-Typist, and typed directly in computer and corrected & pronounced by me in open Court, on this 29<sup>th</sup> day of January 2026.

**District Munsif,  
Palladam.**

**Appendix:-**

**Petitioner's side Witness and Documents:-** Nil

**Respondent's side Witness and Documents:-** Nil

**District Munsif,  
Palladam.**