

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, VALLIYOOR

Present: Mithuna.A.Kaiser, B.A., B.L., Additional District Munsif, Valliyoor
Friday, On the day of 13th day of February 2026.

I.A.No.6/2025

In

O.S.No.210/2015

V. Jeyakumar

.... Petitioner/Plaintiff

-Vs-

1. The Arulmigu Subramania Swamy Temple

Rep by its Administrative officer

2. Government of Tamilnadu,

Rep. By District Collector,

Tirunelveli District.

3. Thasildhar,

Radhapuram Taluk

4. The Commissioner,

Hindu Religious and Charitable Endowment,

Chennai

.... Respondents/Defendants

This petition came before this court on 09.02.2026 for a final hearing in the presence of Thiru.T.Sudhakar, Learned counsel for the petitioner/plaintiff, Thiru.A.S. Gnanasekhar, M.A.,B.L., Learned counsel for the 1st Respondent/1st defendant and 2nd to 4th respondent are set exparte and upon hearing both sides, perusing the case

records, and having stood over the consideration till this day, this court hereby delivers the following:

ORDER

The petitioner had filed this petition under Order 6 Rule 17 and Sec. 151 of Civil procedure code, seeking to amend the suit.

1. GIST OF AVERMENTS IN PETITION:

1.1. The petitioner/plaintiff filed this suit for the relief of declaration and Permanent Injunction against the Defendants. The suit was posted for DW1 cross examination. The petitioner had appointed a new counsel on 18.12.2025 and thus on discussion regarding cross examination came to know that the Section 25 (b) had been wrongly typed as Section 25 (a) in the Court fee paragraph. The mistake was neither willful nor wanton. The petitioner had prayed for relief only under section 25 (b) and thus it is necessitated to amend the suit. Thus prays for amendment of the suit, failing which cause irreparable loss and injury to the petitioner/plaintiff.

2. GIST OF AVERMENTS IN COUNTER FILED BY 1ST RESPONDENT:

2.1. The defendants countered that averments made by the petitioner is false, not maintainable in eyes of law and it should be dismissed at limine with cost. The suit has been filed in the year 2015 itself, and the suit is pending for the past 11 years. The trial of the suit started on 14.09.2023 and PW1 has been chief examined. This suit is pending part heard for the past 3 years. PW1 is the power agent and PW2 is the

so called owner of the property. After examination of PW1 power agent the original owner has been examined as PW2 on 03.02.2025. Plaintiff evidence was closed and defendant was examined as DW1 on 13.10.2025. The plaintiff was not ready to cross examination DW1 for more than 3 months and now this amendment petition has been filed after 11 years from the date of filling this suit.

2.2. The defendant has filed the written statement in this case on 21.12.2015 itself. The defendant denied the court fee in the statement in the year 2015 itself. After a long delay of 11 years, application for amendment has been filed which is barred by limitation. If the amendment is allowed the entire character of the suit will be changed and the defendant temple will be put to great loss and hardship. Section 25(a) court fee column deals with declaration and for possession. Now the plaintiff want to amend this court fee section 25(a) to 25(b) section 25(b) deals with declaration and injunction as though the plaintiff is in possession of the schedule property.

2.3. The plaintiff has not produced any document to prove his possession in the schedule property. Since the plaintiff has no possession he has filed the suit under court fee section 25(a). Now if the court fee section is changed after 11 years which will change the nature of suit and will cause great prejudice to the defendant temple. This is not a type mistake as alleged by the petition. Thus prays for dismissal of petition with cost.

3. POINT FOR CONSIDERATION:

Whether the petition under Order 6 Rule 17 and Sec. 151 CPC has to be allowed or not?

3.1. Heard both sides, records perused. The petitioner/plaintiff had filed this petition to amend the section found in the court fee paragraph. The 1st respondent/1st defendant countered stating that the objection regarding the court fee was raised in written statement in the year of 2015 itself and now the petition to amend the court fee paid in the suit is highly belated. Moreover the provision of court fee alters the nature of the suit.

3.2. In this juncture this court is of view that on correction of valuation or court fee provision will not alter the relief claim or change the nature of the suit. In regard to amendment the defendants have limited locus to object the amendment unless it affect the jurisdiction or nature of relief. On amendment no new relief is introduced, no factual pleading are added, no fresh cause of action arises. Therefore this court is of view that, procedural defect should not defeat the substantive justice and court should adopt liberal approach unless a serious prejudice is caused.

3.3. Moreover the petitioner/plaintiff ought to be diligent in promptly seeking the amendment in the plaint at an early stage of the suit and the attitude of petitioner/plaintiff seeking amendment in the belated stage of the suit, is heavily

condemnable by this court. Hence it is appropriate to allow the petition with the cost of Rs.1,000 (One Thousand Rupees)

In the result, this petition is Allowed on cost of Rs.1,000 directed to be paid to 1st respondent/1st defendant on or before 17.02.2026, failing which the petition stands dismissed automatically. For reporting compliance of cost call on 17.02.2026.

This Order dictated to the Typist, directly typed in computer by him, corrected and pronounced by me in open Court, on 13th day of February 2026.

Additional District Munsif,
Valliyoor.

Witnesses examined on the side of Petitioner and Respondents: Nil

List of Documents on the side of the Petitioner and Respondents: Nil

Additional District Munsif,
Valliyoor.

Additional District Munsif Court,
Valliyoor

I.A.No.6/2025

in

O.S.No.210/2015

Draft/Fair Order

Dated: 13.02.2026