

**IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.**

**PRESENT:** Tmt. **V. Vannamalar**, M.L., PGDIPR., PGD in CrI. & Fr.Sc.,  
District Munsif, Ponneri.

Tuesday, the 13 day of August 2024

**I.A.No.4/2024**

in

**O.S.No.33/2019**

G.Vinayagamorthy

.....Petitioner/plaintiff

-Vs -

1. Balamani
2. Suresh
3. E.Selvi
4. P.Elumalai

.....Respondents/Defendants

This petition came up for hearing on 01.08.2024, in the presence of Mr.E.Ravichandran, Mr.S.Giri Babu, learned counsels for the petitioner/plaintiff and Mr.T.Kumar, learned counsel for the Respondents 1 and 2/Defendants 1 and 2. The respondents 3 and 4 were set exparte in the suit and hence notice to them in this petition is dispensed with. Upon hearing the arguments of the counsels for petitioner and the respondents 1 and 2 and on perusal of the material case records and having stood over for consideration before this court till this day, this court delivers the following :

**ORDER**

This petition is filed by the petitioner under Order VI Rule 17 of CPC Read with Section 151 of CPC to grant leave to amend the plaint.

**2. Brief averments of the affidavit filed by the petitioner are as follows:**

The petitioner is the plaintiff in the above suit. He submits that he has filed the suit against the defendants for a relief of declaration and permanent injunction with respect to the suit property. During the cross examination of PW1, it was found that the survey number of the suit schedule property was mistakenly typed as '435/2'

instead of "434/1". The said mistake is due to typographical error. Hence it is necessary to amend the plaint accordingly. If the amendment petition is not allowed, the petitioner would be put to irreparable loss, damage and hardship. Hence this petition.

**3. Brief averments of the counter filed by the 2<sup>nd</sup> respondent and adopted by the 1<sup>st</sup> respondent are as follows:**

The Respondents/Defendants submit that the defendants had filed their written statement mentioning about the said difference in the survey numbers of the suit property. But the petitioner / plaintiff did not choose to rectify the correction in the suit schedule property before the commencement of trial. After the commencement of the trial, when the plaintiff was cross examined by the defendants, the plaintiff categorically admitted the above facts as stated in the written statement. Now the petitioner files this petition to amend the plaint stating the same to be a typographical error. Therefore this petition to amend the plaint schedule of property is a belated one and deserves to be dismissed with exemplary costs.

4. The respondents 3 and 4 were set exparte in the suit and hence notice to them in this petition is dispensed with.

5. Neither the petitioner nor the respondents have placed any oral or documentary evidence before this court. Now, it is the paramount duty of the court to decide whether this petition is to be allowed or not.

6. Heard both sides arguments. Records Perused.

7. On careful consideration of the material case records and arguments placed before this court, this court finds that the petitioner is the plaintiff in the suit and the respondents are the defendants in the suit. This suit has been filed by the petitioner for a relief of declaration and permanent injunction as against the respondents. When the suit was pending for production of further witness on the side of the petitioner,

this petition has been filed to amend the survey number in the suit schedule of property. The petitioner contends that the survey number of the suit schedule property was mistakenly typed as '435/2' instead of "434/1" and that the said mistake is due to typographical error. On the other hand, the respondents 1 and 2 submits that this petition to amend the plaint schedule of property is a belated one and deserves to be dismissed.

8. Considering the nature of the suit and the nature of the amendment sought for, this court views that that the proposed amendment will not alter the nature of the suit or the cause of action in any manner. Infact, the respondents would be afforded an opportunity to test the veracity of the evidences placed by the petitioner in support of his case, if the amendment is allowed in this case. Considering the nature of the suit, and the facts that are sought to be included in the suit, this court is of the view that the said amendment sought for would only be helpful in proper and effective adjudication of the suit and the said amendment, if allowed, will not cause any prejudice to the respondents. Further the said amendment shall bring clarity and help in the adjudication and also will help in avoiding multiplicity of proceedings. Also, to compensate the delay and expenses caused to the respondents 1 and 2 as a result of this petition, this court is inclined to allow this petition on terms.

9. In the result, this petition is allowed subject to payment of costs of Rs.2,000/- payable to the respondents 1 and 2 by the petitioner on or before 30.08.2024. Call on 06.09.2024 for reporting compliance.

Dictated by me to the steno-typist, who directly typed the same, corrected and pronounced by me in the open court, on this the 13<sup>th</sup> day of August 2024.

**District Munsif  
Ponneri**

Both sides documents and witnesses: Nil

**District Munsif  
Ponneri.**

Fair/ Draft Order  
I.A.No.4/2024  
O.S.No.33/2019  
Date:13.08.2024  
DMC,PNI