

IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI

Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,  
District Munsif, Tiruttani.

Dated the Tuesday of 29<sup>th</sup> Day of April 2025

IA.No.2/2025 in OS.No.32/203  
(CNR.No.TNTR21-000034-2023)

...

1. K. Anusuya
2. V. Shyamala
3. R. Parimala
4. V. Jagadish

... Petitioners / Plaintiffs

/Versus/

G. Narayanan

... Respondent/Defendant

This petition came up before me for the final hearing on 15.04.2025 in the presence of M/s. C.A. Natarajan, Advocate for Petitioners/Plaintiffs, M/s. V. Venkatesan, N. Balaji, P. Pichaimani, Advocates for Respondent/ Defendant. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

**ORDER**

The petition is filed Under Order 6 Rule 17 of CPC to amend the plaint.

**2. The averments by petitioner in brief:-**

The petitioners filed the suit for bare injunction in respect of the suit property. The petitioner has given the measurement in the 'A' schedule property East to West 11.2 feet instead of 11.2 meter and North to South measurement is 70.2 feet instead of 70.8 meter by over sight. It has to be amended as per particulars given in the petition. It is not wanton, a typical error and beyond petitioner's control. Hence, this petition filed.

**3. The counter filed on behalf of the Respondent in brief:-**

(a) This petition is not maintainable either in law or on facts. As the matter of fact this respondent filed his written statement on 20.06.2024. In that written statement this respondent clearly stated that the measurements of the pleadings in the plaint schedule is false one. Even then the petitioners at the time of filing the proof affidavit clearly stated the measurements in A schedule East to West 11.2 feet and

North to South 70.2 feet. At the time of cross examination of Pw1 the 1<sup>st</sup> petitioner admitted the facts of the written statement and knowingly given the evidence by filing the proof affidavit and stated that the measurements are varied. The cross examination of Pw1 was held on 27.01.2025. The petitioner has not taken any steps to amend the plaint before giving the evidence. The petitioner not stated the reasons for delay in filing this amendment petition. As such the petitioner was cross examined in full and the petition filed by the petitioner without any reason and simply stated that there is a typical error and beyond her control is false one and vexatious one.

(b) The nature of the case and territorial jurisdiction is completely different and thereby the petition is not maintainable at this stage of further Plaintiff side evidence. The petition filed by the petitioner is not maintainable. As such the 1<sup>st</sup> petitioner already admitted that the notice sent by the respondent and the earlier suit 114 of 1967. The petitioner clearly came before this court without clean hands and filed this false suit. Now the petitioner filed this petition after thought of the above case and thereby the petition is not maintainable in law. There is no bonafide merits in this petition. The petition filed by the petitioner is delayed one. Hence, the petition has to be dismissed with cost.

**4. Point for determination:-**

Whether the petitioner is entitled to the relief as sought for? or not?

5. Heard both sides. The petitioner filed the above suit for bare injunction in respect of the suit property. The petitioner has given the measurement in the 'A' schedule property East to West 11.2 feet instead of 11.2 meter and North to South measurement is 70.2 feet instead of 70.8 meter by over sight. Therefore it has to be amended as per particulars given in the petition. Hence, the petitioner prays to amend the plaint.

6. The respondent resisted stating that the petitioner is not stated the reasons for delay of filing the amendment petition. The petitioner was cross examined in full. The petition filed by the petitioner without any reason is false and vexatious one. The nature of the case and territorial jurisdiction is completely different and thereby the petition is not maintainable at this stage. The petition filed by the

petitioner is not maintainable. There is no bonafide and merits in this petitioner. The petition filed by the petitioner is delayed one. Hence the respondent pray to dismiss the petition.

6. The suit is pending for further plaintiff side evidence. On perusal of records this petition filed to seeking amendment in the measurement of 'A' schedule property. Since the suit is filed for declaration and recovery of possession of the suit B schedule property. There is no valuable reasons stated by the petitioner for delay. Even though this amendment will not change the cause of action and nature of suit. Considering the facts and circumstances and in the interest of justice and to avoid multiplicity of proceedings this petition can be allowed on costs.

In the result, this petition is allowed on condition that the petitioners has pay a cost of Rs.2000/- to the respondent on or before 02.06.2025 failing which this petition stands dismissed. Call on 02.06.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 29<sup>th</sup> day of April 2025.

District Munsif,  
Tiruttani.

Petitioners and Respondent side Exhibits and witness: NIL

District Munsif,  
Tiruttani.