

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 19th Day of Noveber 2024

IA.No.1/2021 in OS.No.34/2016
(CNR.No.TNTR21-000044-2016)

...

M. Muniratinam

... Petitioner / Plaintiff

/Versus/

1. M. Krishnaiah

2. M. Radhakrishnaiah

3.M. Ananda

4. K. Subramani

5. Neela

6.The Sub Registrar, Tiruttani

... Respondents/Defendants

This petition came up before me for the final hearing on 04.11.2024 in the presence of M/s.V. Kishore Reddy, A. Akila, Advocates for Petitioner/Plaintiff, M/s. Gunsekaran, Advocates for Respondents 1 to 3, 5 / 1 to 3, 5 Defendants, 4, 6 Respondents/ Defendants were called absent, set exparty. 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 petitioner filed the suit for partition and injunction against the respondents/ defendants. While the suit is pending, the petitioner came to know that his previous counsel has failed to mention the prayer column properly. Hence the petitioner has to be permitted to amend the plaint prayer column. The balance of inconvenience would be on his side if the petitioner not permitted to amend the plaint. Hence, this petition filed.

3. The counter filed on behalf of the 1st Respondent and adopted by 2, 3, 5 Respondents in brief:-

This petition is not maintainable either in law or on facts. The para 3 of the

affidavit is not correct. Wantonly it is omitted and the suit is in the stage of part heard case. It is highly belated one after the evidence of P.W1. So in this stage the present petition is not maintainable in law. There is no bonafide merits in this petition. 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 partition and injunction against the respondents/ defendants. While the suit is pending, the petitioner came to know that his previous counsel has failed to mention the prayer column properly. Hence the petitioner has to be permitted to amend the plaint prayer column. Hence, he prays to amend the plaint. This respondents resisted stating that the petitioner was wantonly omitted it and the suit stage is part heard. The petition is filed highly belated one after the evidence of P.W1. There is no bonafide merits in this petition. 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 seek proper prayer. This suit is already filed for partition. Hence, 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 petitioner has pay a cost of Rs.500/- to the respondents on or before 26.11.2024 failing which this petition stands dismissed. Call on 26.11.2024.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 19th day of November 2024.

Sd/-R.D. Gurulakshmi,
19.11.2024
District Munsif,
Tiruttani.

Petitioners and Respondent side Exhibits and witness: NIL

Sd/-R.D. Gurulakshmi,
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District Munsif,
Tiruttani.