

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 Friday of 12th Day of September 2025

I.A.No.5/2025 in OS.No.54/2019

(CNR.No.TNTR21-000076-2019)

...

1. P. Dhanapal

2. D. Sankar

... Petitioners /Plaintiffs

/Versus/

1. P. Munuswamy

2. Samanthi

...Respondents/ Defendants

This petition came up before me for the final hearing on 02.09.2025 in the presence of M/s. P. Kuppan, Advocate for Petitioners/Plaintiffs, M/s. A. Venugopal, D. Nagaraj, Advocates for Respondents/Defendants. 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.

1. The averments by petitioner in brief:-

(a) The petitioners filed the suit for bare injunction in respect of the suit property and the same is pending. The petitioners came to know about the registered settlement deed dated 26.08.2019 executed by the 1st defendant in favour of his wife namely Samanthi, 2nd defendant herein in respect of the ½ share of the suit property recently. Subsequently a petition filed to implead the 2nd defendant and the same was allowed. The right, title and interest over the suit property challenged in the above suit and to clear the cloud over the right, title and interest of the suit property.

(b) The petitioners are in need of amend the prayer to declaration of the plaintiffs right, title and interest over the suit property and for consequential injunction and for declaration of the registered settlement deed dated 26.08.019 as null and void and to adduce the same in cause of action and in suit claim. Due to oversight, inadvertence and ignorance, the petitioners have failed to adduce the same in plaint. The aforesaid amendments are very necessary and important under law to prove and succeed in the petitioners case. Therefore the petitioner filed this petition.

2. Memo filed by the respondents counsel stating that the counter in

IA.No.2/2025 may be adopted as counter in this petition.

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

(a) This petition is not maintainable either in law or on facts of the case. The suit property is belonged to petitioners and this respondents. Since the suit property orally partitioned between the 1st petitioner and this respondent before the village elders and then both of them enjoyed their respective shares. On 26.10.2021 the petitioners have got knowledge about the settlement deed stands in the name of 2nd respondent then only they have filed the application under Order 6 Rule 16 & 17 of CPC. But wantonly they did not seek the relief of declaration of right and title and declaration of settlement deed as null and void.

(b) Further the petitioners had filed the petition under Order 1 Rule 10(2) of CPC on 26.10.2021 and it has been numbered as IA.No.1/2021, in that application the petitioners had clearly and specifically mentioned as now only they have got knowledge regarding the registered settlement deed standing in the name of 2nd respondent. So on 26.10.2021 itself they have got knowledge about the same. Hence the petitioners ought to have been filed this petition within three years from the date of knowledge of the same i.e., 26.10.2021 to on or before 25.10.2024 itself. But the petitioners had wantonly and miserably failed to do the same and now only they had filed this petition with false and untenable allegations to deceive and defeat the respondents right and title over the suit property. So this petition is purely hit under limitation Act. Hence the petition has to be dismissed.

(c) The registered settlement deed dated 26.08.2019 stands in the name of 2nd respondent. So they have got knowledge about the same in the year of 2019 itself and they have wantonly suppressed the same. This respondent filed detailed written statement on February 2020 itself. So the petitioners has to be filed this application within 3 years from the date of written statement, i.e., on or before February 2023 itself. But they have miserably failed and now only filed this application. So this petition is purely hit under limitation Act. Hence the petition has to be dismissed on the grounds of Limitation aspects. The petitioners have filed several vexatious petitions to drag on the proceedings and abusing the process of law. Moreover the

petitioner has no locus standi to file this application, which is quietly contra to the earlier petition of under Order 6 Rule 16 & 17 of CPC filed by them. So the petition is highly belated one and the suit is already listed two times. At this stage they had wantonly filed this petition to drag on the case. There is no merits or bonafide reasons in the petition. They had suppressed the material facts and approached this court with unclean hands. Hence this petition is liable to be dismissed with cost.

4. Point for determination:-

Whether the petitioners are entitled to the relief as sought for? or not?

5. Heard both sides. According to petitioner, the petitioners are in need of amend the prayer to declaration of the plaintiffs right, title and interest over the suit property and for consequential injunction and for declaration of the registered settlement deed dated 26.08.019 as null and void and to adduce the same in cause of action and in suit claim. Due to oversight, inadvertence and ignorance, the petitioners have failed to adduce the same in plaint. The aforesaid amendments are very necessary and important under law to prove and succeed the petitioners case. Hence the petitioners pray to allow this petition.

6. The respondent resisted this petition stating that the petitioner not stated reasons for delay of filing the amendment petition. The false and vexatious petition filed by the petitioner without any reason. The proposed amendment will change the nature of the case. They have wantonly filed this petition to drag on the case. There is no merits or bonafide reasons in this petition. They had suppressed the material facts and approached this court with unclean hands. Hence the respondents pray to dismiss the petition.

7. On perusal of records, from 05.02.2021 to till date this case is pending for trial. In this stage petitioner filed this petition seeking amendment in the plaint. There is no valuable reasons stated by the petitioner for delay. The proposed amendment will change the nature of the case including cause of action. This case is pending for more than 5 years. 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 have pay a cost of Rs.2000/- to the respondents on or before 19.09.2025 failing which this petition stands dismissed. Call on 19.09.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 12th day of September 2025.

District Munsif,
Tiruttani.

Petitioners and Respondents side Exhibits and witness: NIL

District Munsif,
Tiruttani.