

I.A.No. 4/25 in O.S.No.188/2024

Dated.08.12.2025

Order pronounced.

This petition is filed under Order VI Rule 17 CPC seeking amendment of the plaint. The plaintiffs now seek to insert a new paragraph 13 to state that the rectification deed dated 04.12.2013 does not affect their alleged rights under the partition deed dated 26.12.2012. They also seek to alter the measurements of the 1st and 2nd schedule properties on the claim that there is “more extent” available in the field than the extent conveyed under the very deed through which they claim title.

The suit itself is founded solely upon the partition deed dated 26.12.2012, and the property schedules in the plaint were drafted on the basis of that instrument. Having chosen the document as the foundation of their title, the plaintiffs now seek to enlarge the extent as though any additional land noticed in the field automatically falls into their lap. The law does not confer title by discovery, enthusiasm, or optimism. When a party relies upon a registered deed that clearly specifies the

extent, they cannot claim land outside that extent by conveniently invoking the principle that “boundaries prevail over extent.” That principle applies only where the instrument itself is ambiguous. Where the document is clear, the plaintiffs are estopped from contradicting their own title deed.

The attempt to introduce a theory of “more land” available in the field is nothing but a bid for unjust enrichment under the cloak of amendment. A litigant who bases his claim on a registered deed cannot later attempt to rewrite the boundaries of the case to suit later convenience. Estoppel squarely prevents a party from blowing hot and cold at will. Having adopted the deed to establish their rights, the plaintiffs cannot now claim outside it.

With respect to the rectification deed dated 04.12.2013, however, the position stands on a different footing. The plaintiffs admit that the earlier deed contained a mistake, and they have executed a rectification deed to correct that mistake. Once such a rectification deed exists, the corrected document becomes part of the chain of title, and

necessarily, the pleadings must reflect its existence. The plaintiffs' belief that the rectification deed does not affect their rights may or may not ultimately withstand scrutiny, but they cannot be prevented from pleading the fact of its execution. To that limited extent, permitting the amendment would aid in determining the real controversy and would avoid future technical objections.

However, the plaintiffs' further attempt to expand the extent of the suit properties or to modify the measurements on the ground that "there is more land" cannot be accepted. Such an amendment would fundamentally alter the nature of the suit, contradict the plaintiffs' own foundational document, and encourage speculative claims masquerading as pleadings.

In these circumstances, the amendment sought is partly allowed only to the limited extent of incorporating the existence and contents of the rectification deed dated 04.12.2013. All other amendments, particularly those seeking to enlarge or alter the extent, boundaries, or measurements of the suit properties, are rejected as unnecessary,

untenable, and contrary to the plaintiffs' own title deed.

The petition is partly allowed, but only to the narrow extent stated. The plaintiffs shall pay Rs. 2,500/- as costs, a modest fee for their belated enlightenment. They shall file the amended plaint and carry out the amendment on 15.12.2025 without fail; if they do fail, this order shall self-destruct automatically, and the amendment will stand rejected without further ceremony.

The plaintiffs shall also expedite the trial, file their list of witnesses, and be ready for short-date postings, so that this suit may finally move faster than its current glacial pace.

A.D.M.
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