

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, ARUPPUKOTTAI.

PRESENT : Tmt. P. Sivaranjini, B.Sc., L.L.M.,

Additional District Munsif, Aruppukottai

Wednesday, the 05th day of November 2025.

I.A.No.1/2025

in

O.S.No.19/2007

Chandraprabavathi

--- Petitioner/Plaintiff

/Vs./

1. Nalayini(Died)

2. Raveendran

3. Rajaguru

--- Respondents/Defendants

ORDER

Heard. Records perused. Ex.P1 to Ex.P4 are marked. This petition has been filed under Order VI Rule 17 CPC, seeking permission to amend the plaint.

The main contention of the Petitioner/Plaintiff is that the 2nd Respondent/Defendant vacated the suit schedule property and handed over possession of the same to the Petitioner/Plaintiff in the year 2010. Thereafter, the Petitioner/Plaintiff has been in possession of the suit schedule property. Therefore, according to the Petitioner, the relief of recovery of possession is no longer required, and deletion of the said relief has been sought. The Petitioner/Plaintiff has also sought permission to include in the plaint the details of O.S. No.86/2002, and to add an additional relief seeking a declaration that the settlement deed bearing No. 4450/2006 dated 14.12.2006 is null and void.

Per contra, the main contention of the Respondents/Defendants is that possession of the suit schedule property continues to remain with the Defendant. The Respondents further contend that, as per the Petitioner's own version, if the property had been handed over to the Petitioner/Plaintiff in 2010, the Petitioner/Plaintiff ought

to have filed the amendment at that time itself. However, the amendment petition has been filed after a lapse of 15 years.

With respect to details of O.S. No. 86/2002, the Respondents submitted that the said suit was decreed on 04.07.2006, i.e., much prior to the filing of the present suit, and the Petitioner/Plaintiff deliberately omitted to include those details in the original plaint. The Respondents/Defendants further contend that, regarding Settlement Deed No. 4450/2006, the Petitioner/Plaintiff had knowledge of the said document at the time of filing the written statement itself. Hence, the relief now sought is barred by limitation.

The Petitioner/Plaintiff contended that, she is in possession of the suit schedule property. In order to prove the same, house tax receipts and electricity bills have been produced as Ex.P3 and Ex.P4 respectively. Regarding the suit O.S. No. 86/2002, the judgment and decree have been produced as Ex.P1 and Ex.P2 respectively.

On perusal of the house tax receipts and electricity bills, it is seen that the said bills have been paid in the name of the Petitioner, and in the year 2016 itself. On perusal of the judgment and decree in O.S. No. 86/2002, it is seen that the suit was decreed on 04.07.2006. From the above documents, it is evident that the Petitioner/Plaintiff has filed this petition with inordinate delay.

Even though the petition has been filed with inordinate delay, this Court is of the opinion that, no prejudice would be caused to the Respondents/Defendants by allowing the amendment, except for the delay, for which appropriate costs will be imposed.

With respect to the issue of limitation concerning the relief sought, this Court relies upon the judgment of the **Hon'ble Supreme Court of India in Puran Ram v. Bhaguram and Another, AIR 2008 SC 1960**, particularly paragraph 15, which held as follows:

“In this regard, we may observe that the Court may, in its discretion, allow an application for amendment of the plaint even where the relief sought to be added by amendment is allegedly barred by limitation.”

Relying upon the above judgment, this Court is of the opinion that even though the relief sought is barred by limitation, the Court may allow the amendment application in its discretion. Because the limitation is a mixed question of fact and law, and it can be established through evidence during trial. The Respondents/Defendants are entitled to file an additional written statement raising the plea of limitation.

On perusal of the case records, it is seen that this petition has been filed at the stage of continuation of the chief examination of PW1. Therefore, the trial of the suit has just commenced. Thus, the Court is satisfied that no prejudice would be caused to the Respondents/Defendants by allowing this petition, except for the delay, for which appropriate costs are imposed. Accordingly, this Court is inclined to allow the petition with costs. Hence, the petition is allowed, with costs of Rs.1,500/- each to be paid to the 2nd and 3rd Respondents/Defendants on or before 10.11.2025, failing which this petition shall stand dismissed automatically.

In the result, this Court allows the petition with costs of Rs.1,500/- to be paid to the 2nd and 3rd Respondents/Defendants on or before 10.11.2025. For compliance, call on 10.11.2025.

Dictated to the Typist directly and typed by her and corrected and pronounced by me in open court this 05th day of November 2025.

**Additional District Munsif,
Aruppukottai.**

Both side witnesses:- - Nil

Petitioner/Plaintiff side documents :-

Ex.P1	04.07.2006	Certified copy of Judgement of OS.86/2002
Ex.P2	04.07.2006	Certified copy of OS.86/2002
Ex.P3	---	House Tax Receipts Original
Ex.P4	---	EB Bill - Computer Receipts

Respondents/Defendants side Documents:- - Nil

**Additional District Munsif,
Aruppukottai.**

A.D.M.C.Aruppukottai
IA No. 1/2025
in
O.S.No.19/2007
Fair/Draft Order
Date:- 05.11.2025
