IN THE COURT OF THE SUBORDINATE JUDGE, DEVIKULAM

Present: Sri. Antony Shelman K.A, Sub Judge

On Monday the 4th day of April, 2024/14th day of Chaithra 1945

I. A. No.16/2024

IN

O. S. No.10/2022

Petitioner/Plaintiff:-

S. Chinna Durai @ Manoj, aged 53, S/o. R.Sivaswamy Chettiar @ R.Sivaswamy Chetti, having Permanent residence at Door No.III/56 of Kanthallur Panchayath, OLH Colony, Guhanathapuram, Kanthallur P.O, Pin Code-685620, Now residing at 'Kanthal House', House No. 10/286 of Cheranellur Panchayath, Kodumbil Road, South Chittoor P.O, Cochin-682027, Chittoor Desom, Cheranellur Village, Kanayannur Taluk, Ernakulam District.

By Advs. Sri. Jijo Thomas, Smt. M.D.Beena, Sri.Aneesh James and Sri. Joseph.I.J

Respondents/Defendants:-

1. S.Ratnaswami, aged about 65, S/o. R.Sivaswamy Chettair @R.Sivaswamy Chetti, having permanent residence at Mani Nivas' Kanthallur P.O, Pincode -685620, Kanthallur Kara, Kanthallur Village, Devikulam Taluk, Idukki District.
2. S.Balakrishnan, aged about 56, S/o. R.Sivaswamy Chettiar @ R.Sivaswamy Chetti, residing at Aakkaparambil House, Edayakunnam, South Chittoor P.O, Cochin – 682027, Chittoor Desom, Cheranellur Village, Kanayannur Taluk, Ernakulam District.
3. Rajammal, aged about 70, D/o. R.Sivaswamy Chettair @R.Sivaswamy Chetti and W/o. Kalimuthu, residing at Sedimuthur, Mannur P.O, Pincode-642005, Mannur Village, Pollachi Taluk, Coimbatore District, Tamil Nadu State.

4. Dhanalaxmi, aged about 68, D/o. R.Sivaswamy Chettair @ R.Sivaswamy Chetti and W/o. Doraiswami, residing at Kanakkampara P.O, Kuthipallam Pincode 678101, Kuthipallam Village, Chittoor Taluk, Palakkad District.
5. Sarojam, aged about 67, D/o. R.Sivaswamy Chettair @R.Sivaswamy Chetti and W/o. Late. Rangaswami, residing at 'Saroja Bhavan', Door No. 8/28, Adimali P.O, Pincode-685561, Adimali Village, Devikulam Taluk, Idukki District.
6. Kalamani, aged about 63 D/o. R.Sivaswamy Chettiar @ R.Sivaswamy Chetti and W/o. Rajan, residing at Door No. 40, Thiruveekka Veedhi, V.R.Puram, Near Law Collage, Peelamedu.P.O, Coimbatore, Pincode – 641004, Coimbatore Taluk & District, Tamilnadu State.
7. Saraswathi, aged 61, D/o. R.Sivaswamy Chettair @R.Sivaswamy Chetti and W/o. Marimuthu, residing at 'Sreebhavan', OLH Colony, Guhanathapuram, Kanthallur P.O, Pincode – 685620, Kanthallur Kara, Kanthallur Village, Devikulam Taluk, Idukki District.
8. Nagammal, aged about 91, W/o. R.Sivaswamy Chettair @R.Sivaswamy Chetti, residing at Door No. III/56 of Kanthallur Panchayath, OLH Colony, Guhanathapuram, Kanthallur P.O, Pincode- 685620, Kanthallur Kara, Kanthallur Village, Devikulam Taluk, Idukki District.
9. Latha, aged about 38, D/o. Late. Subbalaxmi, residing at Door No. 40, Thiruveekka Veedhi, V.R.Puram, Near Law Collage, Peelamedu P.O, Coimbatore, Pincode- 641004, Coimbatore Taluk & District, Tamil Nadu State.
10. Manikandan, aged about 40, S/o. Late. Subbalaxmi, residing at Door No. 40, Thiruveekka Veedhi, V.R.Puram, Near Law Collage, Peelamedu P.O, Coimbatore, Pincode- 641004, Coimbatore Taluk & District, Tamil Nadu State.
11. Venugopal, aged about 35, S/o. Late. Subbalaxmi, residing at Door No. 40, Thiruveekka Veedhi, V.R.Puram, Near Law Collage, Peelamedu.P.O, Coimbatore, Pin Code – 641004, Coimbatore Taluk & District, Tamil Nadu State.
12. Manimuthu, aged about 40, H/o. Late. Sudha, residing at Door No. 40, Thiruveekka Veedhi, V.R.Puram, Near Law Collage, Peelamedu.P.O, Coimbatore, Pin Code – 641004, Coimbatore Taluk & District, Tamil Nadu State.

13. Sandhya, aged about 18, S/o. Manimuthu and Late. Sudha, residing at Door No. 40, Thiruveekka Veedhi, V.R. Puram, Near Law Collage, Peelamedu P.O, Coimbatore, Pin Code-641004, Coimbatore Taluk & District, Tamil Nadu State.

By Adv. Sri. Divakaran

This petition filed Under Order 6 Rule 17 r/w Section 151 of the CPC.

This petition coming on for hearing before me on 04/04/2024 in the presence of the above counsel and the court on the same day passed the following:-

O R D E R

Heard both sides. The main objection of respondent is that the proposed amendments are not stated in the affidavit filed in support of the petition. However this court is of the view that foundation for the proposed amendment is sufficiently made out in the affidavit and by the proposed amendment no prejudice will be caused to respondent nor it changes the nature of the suit. Hence petition allowed. Carryout amendment as prayed for.

Pronounced by me in open court on this the 4th day of April, 2024.

ANTONY SHELMAN. K.A
SUB JUDGE

APPENDIX
NIL

ANTONY SHELMAN. K.A
SUB JUDGE

// True copy//

RESMI B. CHITTOOR
SUB JUDGE

Typed by : Jessim.E
Compared: Rejanimol.V.P

O R D E R

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