

IN THE COURT OF THE MUNSIFF, ATTINGAL
PRESENT: SMT. SWATHI.R.KRISHNAN, MUNSIFF
MONDAY 30th SEPTEMBER, 2024 / 8th ASWINA, 1946

IA No.1537/2022 IN OS No. 374/2015

Petitioner/ Plaintiff:

Madhavan Nair, S/o Kunjukrishna Pillai, aged 76 years, Ayilyam,
Thazhe Elamba, Elamba Village.

By Advocate: Smt.Lali Sunil

Counter Petitioner/ Defendant:

Vidyarani, D/o Vijayakumar, aged 38 years, Divya Bhavan, VRA-28,
Kaduvayil, M.G. Road, Attingal.

This amendment petition filed by Adv.Lali Sunil having been finally heard on 30.09.2024 and the court on same day passed the following:

ORDER

This is a petition filed for 2 reliefs- for impleading the 2nd plaintiff and also for amending the plaint. The petitioner filed this petition for impleading the additional 2nd plaintiff in party array since she is also the joint owner of the property. He has also sought for amending the plaint for rectifying a clerical error where in the number of sale deed mentioned in paragraph 1 is wrongly mentioned by virtue of which the plaintiff and the additional plaintiff sought to be impleaded had obtained title and possession over the plaint schedule property. The respondent filed objection contending that the frame of the petition is bad where in two different matters are sought for- one being impleadment and the other amendment pursuant that to which shall be carried out by the court and the amendment of pleadings only has to be done through the counsels. On perusing the petition it can be seen that the respondent's contention has considerable weight. But the same should not restrict the court from granting a relief for which party is entitled and which is only a technical error. Two petitions- one for amending pleadings and other for impleadment under Order 1 Rule 10 (2) of CPC. The respondent objected the impleadment on the ground that the petition is highly belated filed 7 years after institution of the suit. The petitioner has offered a sufficient explanation that the plaint schedule was under the possession and enjoyment of petitioner and hence he did not find any requirement to implead the joint owner. The

plaintiff is dominus litus and if a party who is not an improper party, is sought to be impleaded he shall be allowed. But going through the matters sought to be amended, this court is of view that the 1st and 2nd items are to be done by office. Hence items 3 and 4 are allowed. Since this court is of view that the case is not listed and a liberal approach has to be taken by the court considering an application for amendment to curb multiplicity of proceedings and also that the same is only a clerical error. Hence the 2nd additional plaintiff can be impleaded and the amendment with respect to item Nos. 3 and 4 are allowed. Hence petition allowed in part.

Pronounced by me in Open Court on this the 30nd day of September, 2024.

Sd/-
SWATHI.R.KRISHNAN
MUNSIFF

Appendix: Nil

Id/-
MUNSIFF

//True Copy//

Typed by: Sheena.K
Compared by: Lasitha

MUNSIFF