

**IN THE COURT OF I ADDITIONAL DISTRICT & SESSIONS JUDGE,
CUDDALORE.**

Present : **Tmt.G.Saraswathi, M.L,**
I Additional District & Sessions Judge,
Cuddalore.

Friday, the 13th day of February 2026

I.A.No.63 of 2019 and I.A.No.138 of 2019 in O.S.No.1 of 2015

(CNR No. TNCD01 – 000068 – 2015)

I.A.No.63 of 2019 and I.A.No.138 of 2019 in O.S.No.1 of 2025

1. Thillai @ Jothi
2. Uma
3. Swathi
4. Om Prakash @ Om Kumar
5. Shanmugapriya @ Priya

... Petitioners / Plaintiffs

-Vs-

1. Aadharsh Aravind
2. Minor Deksha
rep. by her father Srinivasa Babu
3. Srinivasa Babu
4. Packialakshmi
5. Chandrakala
6. The Authorised Recovery Officer,
ING Vysya Bank Ltd.,
7. ING Vysya Bank Ltd.,
Misson Street, Puducherry,
8. Pazhaniappan

... Respondents 1 to 8 / defendants

9. Govindarasu

... 9th Respondent / Proposed Party

Both Petitions came up on 28.01.2026 for final hearing before me in the presence of Mr.R.Vaitheeswaran, Counsel for the Petitioners / Plaintiffs and Mr. Pon.Manikandan, Counsel for the Respondents 1 and 2 and Mr.R.Bakthavachalam, Counsel for the Respondents 3 and 4 and Mr.Saranraj, Counsel for the 5th Respondent

and Mr.M.Yuvaraj, Counsel for the 9th Respondent. 8th respondent called absent set exparte and Respondents 6 and 7 are given up and upon hearing both sides and upon perusing the entire case records and having stood over for consideration till this day, this Court delivered the following:

COMMON ORDER

I.A. No.63 of 2019 in O.S. No.1 of 2015 :

The Plaintiffs have filed the Petition under Order VI Rule 17 of CPC to amend the plaint. (Consequential amendment)

I.A. No.138 of 2019 in O.S. No.1 of 2015 :

The Plaintiffs have filed the Petition under Order VI Rule 17 of CPC to amend the plaint.

2. Brief averments of Petition in I.A.No.63 of 2019 :

The 9th respondent Govindarasu has filed an application in I.A.No. 2/2017 to implead himself as the 9th respondent in the above suit and the same was allowed on 14.09.2018. Therefore, in the compliance with the above said order, it is necessary and just to allow and order the amendments sought in this petition to be made in the list of amendments, otherwise the petitioner will be put to irreparable loss and hardship and therefore, it is prayed to allow this petition. Hence, this petition.

3. Brief averments of the petition in I.A.No.138 of 2019 :

The 9th respondent Govindarasu has filed an application in I.A.No.

2/2017 to implead himself as the 9th respondent in the above suit and the same was allowed on 14.09.2018. In pursuance of the above petition, she has filed a separate petition to amend the suit claim. The respondent has illegally prepared several forged documents in respect of the suit property, which are non-existent and invalid in the eye of law. The 9th respondent has stated in I.A.2/2017 about the above documents. There is no connection between the suit property and the 9th respondent at any time. Therefore, it is necessary and just to allow and order the amendments mentioned in the list of amendments in the petition. Otherwise, the petitioner will be put to irreparable loss and hardship. Therefore, it is prayed to allow the petition.

4. Counter filed by the 9th Respondent / 9th Proposed party in I.A.No.138 of 2019 in O.S.No.1 of 2015

The entire allegations in this petition are denied except those that are specifically admitted herein. The petition filed by the petitioners is not maintainable under law or on facts. This respondent filed an application to implead this respondent as necessary party to the suit in I.A.No.2/2017 in O.S.No.1/2015 and the same was allowed by this court on 14.09.2018. Subsequently, the above case has been posted for amending the plaint consequently. But the petitioners have filed this present application with additional pleadings in the plaint and seeking additional reliefs according to their own whims and fancies. The petitioners came forward with this vexatious application by introducing a new case with different cause of action. It cannot be done in the present stage of the proceedings. The petitioners have violated

the procedures. The present application filed by the petitioners is premature at this stage of proceedings. In the present suit this respondent has to be impleaded as 9th defendant in the suit and this respondent have to file his written statement then only the petitioners have to file this application for amendment. There is no merit in the application filed by the petitioners. The present application filed by the petitioners has to be rejected. Hence, it is prayed to dismiss the petition with costs and thus render justice.

5. POINT FOR CONSIDERATION:

Whether these petitions are to be allowed or not?

6. Discussion on the Point for consideration :

6.1 The plaintiffs would pray to amend the plaint by inserting paragraph No.7 in the plaint averments and in cause of action, Valuation and relief paragraphs, as the 9th Respondent Govindarasu has been ordered to be impleaded as 9th defendant in the suit in I.A.No.2 of 2017 filed by the said Govindarasu himself. In I.A.No.63 of 2019, the amendment was purely consequential by seeking to just inserting the name of 9th respondent, as 9th defendant in the short and long cause title. However, in I.A.No.138 of 2019, the plaintiffs would seek to add certain allegations in the plaint which though is also consequential in nature due to adding of Govindarasu as a party, the 9th respondent Govindarasu would object that such additional pleadings in the form of additional reliefs are prematured and are raised according to the whims and

fancies of the plaintiffs and totally a new case has been introduced giving raise to new and different cause of action.

6.2 On perusal of I.A.No.2 of 2017, the said petitioner Govindarasu has sought to implead himself alleging that to avoid multiplicity of proceedings his presence is necessary and the suit for partition by the plaintiffs is on the instigation of the 3rd defendant Srinivasa Babu who is the father of plaintiffs 1 to 5 and defendants 6 and 7 and the suit is collusive suit. The petitioners herein who were the respondents 1 to 5 in the said application, on the other hand had alleged that it is their joint family property and the Proposed petitioner (9th respondent herein) has no right over the property. This court, however on considering that such allegations can be decided only after trial and no prejudice would be caused to the parties, allowed to implead the 9th respondent herein as 9th defendant in the suit.

6.3 Having allowed to implead the 9th respondent herein as 9th defendant at his own instance, the plaintiffs must be provided suitable opportunity suitably amend to the plaint by adding his side of allegations especially that he had raised in the counter filed in such impleading petition and also seek such relief as against the impleaded 9th defendant. The proposed amendment would serve such purpose to decide necessity of such impleading of the 9th respondent as 9th defendant. The petitioners are the dominus litus of their case and they have to stand or fall on the strength of their own pleadings. Hence, I am of considered opinion that the amendment sought

for by way of adding contents in the plaint Valuation, Cause of action and Relief are only consequential in nature but such amendment is permitted only after payment of the required Court Fee for such amendment within 15 days from the date of this order, failing the petition will stand dismissed.

I.A.No.63 of 2019 in O.S.No.1 of 2015:

In the result, this petition is allowed. No costs.

I.A.No.138 of 2019 in O.S.No.1 of 2015:

In the result, the petition is allowed and the petitioners are entitled for such amendment only after payment of the required Court Fee within 15 days from the date of this order, failing the petition will stand dismissed. Call on 02.03.2026.

Dictated to Steno-typist, typed by her, corrected and pronounced by me in the open Court, on this the 13th day of February, 2026.

I Additional District and Sessions Judge,
Cuddalore.

**List of witnesses and
exhibits on both sides:** Nil

I Additional District and Sessions Judge,
Cuddalore.