

**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.136 of 2019 in O.S. No.94 of 2014

(CNR No. TNCD01 – 000068 – 2015)

1. S. Aadharsh Aravind
2. Minor Deksha
(rep. by her nest Friend and brother
S. Aadharsh Aravind) ... Petitioners / Plaintiffs
-Vs-

1. A.Srinivasa Babu
2. A.Packialakshmi
3. S.Chandrakala
4. The Authorised Recovery Officer,
ING Vysya Bank Ltd.,
5. M. Thillai
6. R.Uma
7. B.Swathi
8. O.M.Kumar
(7 and 8 Respondents Power Agent Uma)
9. A.Shanmugapriya ... 1 to 9 Respondents / Defendants
10.Govindarasu ... 10th Respondent

This petition filed on 12.06.2019 came before me for final hearing on 28.01.2026. Mr.Pon.Manikandan, Advocate appears for the Petitioners/Plaintiffs. Mr.R.Bakthavatchalam, Advocates appears for the Respondents 1 to 3 and Mr.R.Vaitheeswaran, Advocate appears for 5 to 9 Respondents and Mr.M.Yuvaraj, Advocate appears for the 10th respondent. No counter filed by 5th respondent and he called absent set exparte and the 4th respondent 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:

ORDER

This petition is filed under Order VI Rule 17 of CPC to amend the plaint.

2. The brief averments of the petition :

The 10th respondent Govindarasu has filed an application in I.A.No. 51/2016 to implead himself as the 10th respondent in the above suit and the same was allowed on 22.11.2018. In pursuance of the above petition, she has filed a separate petition to amend the suit claim and that the 10th 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 10th respondent has stated in I.A.151/2016 about the above documents. There is no connection between the suit property and the 10th 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 irreparable loss and hardship. Therefore, it is prayed to allow the petition. Hence, this petition.

3. The brief averments of the counter filed by 10th Respondent/ 10th proposed party:

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.151/2016 in O.S.No.94/2014 and the same

was allowed by this court on 22.11.2018. 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 fancy. 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 10th 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.

4. POINT FOR CONSIDERATION:

Whether this petition is to be allowed or not?

5. DISCUSSION ON THE POINT:

5.1 The plaintiffs would pray to amend the plaint by inserting paragraph No.4B in the plaint averments, cause of action, Valuation and relief, as the 10th Respondent Govindarasu has been ordered to be impleaded as 10th defendant in the suit as per the order in I.A.No.151 of 2016 filed by the said Govindarasu himself and hence, the plaint has to be suitably amended in this regard. All the respondents had remained exparte except the 10th respondent Govindarasu in I.A.No.136 of 2019 who would

object that the additional pleadings and the additional reliefs are according to the whims and the fancy of plaintiffs and had totally introduced a new case and different cause of action.

5.2 On perusal of I.A.No.151 of 2016 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 1st defendant Srinivasa Babu, who is the father of defendants 5 to 9 and the suit is collusive suit. The petitioners herein who are the respondents 1 to 5 in the said application, on the other hand had alleged that it is their joint family property and the respondent herein has no right over the property. This court, however on considering that such allegations can be decided only after trial and that no prejudice would be caused to the parties, allowed to implead the 10th respondent herein as 10th defendant in the suit.

5.3 Having allowed to implead the 10th respondent herein in the suit on the basis of the application filed by him, the plaintiffs are entitled to suitably amend by adding the allegations that he had raised in the counter filed in the impleading petition and also seek such relief as against the impleaded defendant. The proposed amendment would serve purpose to decide such impleading of the 10th respondent as 10th defendant, as the petitioners are the dominus litus of his case and they have to stand or fall on his own pleadings. There is no question of application being premature as it is at the instance of the 10th respondent herein he had been impleaded and the petitioners must be provided with suitable opportunity to include such

pleading they have to raise on a 3rd party to the suit being impleaded. 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 consequential in nature but, 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 amendment will be allowed only to the extent of adding the name of 10th defendant in the short and long cause title of the plaint.

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 amendment will be allowed only to the extent of adding the name of 10th defendant in the short and long cause title of the plaint. Call on 02.03.2026.

Dictated to Steno-typist, transcribed and typed by her, corrected by me directly in my lap-top 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.