

**IN THE COURT OF SUBORDINATE JUDGE, PANRUTI**

Present: Mr. J. ANVAR SATHATH. B.Com. M.L.

Subordinate Judge, Panruti

Tuesday, the 02<sup>th</sup> day of December - 2025

**I.A. No. 42/2019 in A.S. No. 20/2017 in O.S. No. 424/2004**

**I.A. No. 22/2020 in A.S. No. 20/2017 in O.S. No. 424/2004**

**I.A. No. 17/2024 in I.A. 22/2020 in A.S. No. 20/2017 in O.S. No. 424/2004 and**

**I.A. No. 30/2024 in A.S. No. 20/2017 in O.S. No. 424/2004**

**I.A. No. 42/2019 in A.S. No. 20/2017:-**

1. Mohala
2. Chithra

... Petitioners/Appellants/Plaintiffs

Vs.

1. Veeraragavan
2. Siva
3. Rani

... Respondents/Respondents/Defendants

**I.A. No. 22/2020 in A.S. No. 20/2017**

1. Mohala
2. Chithra

... Petitioners/Appellants/Plaintiffs

Vs.

1. Veeraragavan
2. Siva
3. Rani

... Respondents/Respondents/Defendants

**I.A. No. 17/2024 in I.A. No. 22/2020 in A.S. No. 20/2017**

1. Mohala
2. Chithra

... Petitioners/Petitioners/Appellants/Plaintiffs

Vs.

1. Veeraragavan
2. Siva
3. Rani

... Respondents/Respondents/Respondents/Defendants

**I.A. No. 30/2024 in A.S. No. 20/2017**

1. Mohala
2. Chithra

... Petitioners/Appellants/Plaintiffs

Vs.

1. Veeraragavan
2. Siva
3. Rani
4. Malathi Ammal

... Respondents – 1 to 3/Respondents/Defendants  
 ... 4th Respondent/Proposed Party

All these petitions were come today for final hearing on 27.11.2025 in the presence of Mr. R. Vaitheeshwaran, B.A., L.L.B. C.T.A., Advocate for Petitioners/Appellants/Plaintiffs in all 4 applications and Mr.H.Idhayadulla, B.A., B.L., Advocate for Respondents – 2 and 3/Defendants – 2 & 3 in all 4 applications and Mr.N.Anantharaman, B.A. B.L., Advocate for Respondent-1/Defendant – 1 in I.A. No. 42/2019 and I.A. No. 22/2020 and remained as ex-parte in I.A. 17/2024 & I.A. No. 30/2024 and Mr. K.Kotteswaran, B.A. B.L., Advocate for 4th Respondent/Proposed Party in I.A. No. 30/2024 and having stood for consideration to this day, this Court delivered the following.

## COMMON ORDER

(1). The Petition in I.A. No. 42/2019 has filed U/order 41 Rule 27 of CPC, to permit the petitioner to file additional documents and also to adduce oral evidence upon the documents.

(2). The petition in I.A. No.22/2020 has filed U/order 6 Rule 17 of CPC, to permit the petitioner to amend the plaint in O.S. No. 424/2004.

(3). The petition in I.A. No. 17/2024 has filed U/order 6 Rule 17 to permit the petitioner to amend the I.A. No. 22/2019 (I.A. No. 22/2020).

(4). The petitioner in I.A. No. 30/2024 has filed U/order 1 Rule 10 of CPC to implead the 4<sup>th</sup> respondent as 4<sup>th</sup> defendant in the suit.

### **5. I.A. No. 42/2019 in A.S. 20/2017:-**

#### **5.1. Brief of the Affidavit of the 1<sup>st</sup> Petitioner, dated:30.04.2019:-**

The petitioners are filed O.S. No. 424/2004 against respondents but it was dismissed on 30.08.2017, against which this appeal has been filed. There was a previous litigation in O.S. No. 119/1956 between one Rahmath Ali khan and Petitioners' parents Rajaram singh and Rajalakshmi, who were defendants in that suit, in respect of the property which is western portion of their property. The said Rahamath Ali Khan described the suit property as ABCD in his plaint which corresponding to the C schedule property in the petitioners suit. The said Rahmath Ali Khan had filed suit for Recovery of possession but even in the year 1956, it was admitted that property was in continuous possession of the petitioners' parents from their respective dates of purchase. The suit was dismissed on 28.11.1958. That the suit O.S. No. 119/1956 clearly stated that the petitioners' parents purchased through sale deeds dated 07.02.1947 and 27.12.1955. In the suit in O.S. No. 119/1956 it was decided that the petitioners' parents had perfect title and possession, therefore, the C schedule property belongs to the petitioners' parents. The said Rahmath Ali Khan did not have any right in the western portion of the property but he had stealthily created a deed of usufructary mortgage on 21.11.1965 by including the suit property mentioned

in O.S. No. 119/1956, this is a foul play against the verdict of District Munsif, Cuddalore. In that suit a finding regarding wall is define. So, the plaint in O.S. No.119/1956 and its plan is very much needed document to decide the issue. The mortgage created by said Rahmath Ali Khan dated 05.09.1963 in favour of Thamodaran Nayar and dated 21.11.1965 in favour of Malathi ammal, W/o. Thamodaran Nayar are stealthily created and were brought for court auction. Inclusion of the suit property in those deeds is wanton, hence those mortgage deeds are subsequent documents, not binds the petitioners and the petitioners' parents are not party to any legal proceedings. The partition deed related to Rahmath Ali Khan dated 07.09.1951, gift settlement deed dated 05.07.1970 by one Kasim Khan in favour of his wife Bikathu Bibi are all relevant document to the suit. Field map from 1972 to 2004 is relevant document to the plaintiffs claim. The petitioner's father executed a settlement deed in favour of Rajalakshmi ammal on 01.10.1972. Patta was issued to Rajalakshmi ammal on 30.09.1994 then to the petitioner name on 27.10.2010. Those documents are relevant to the petitioners claim. The respondents are defendants in the suit, they do not any right at all. The petitioners father's property was measured as east-west 140 feet and south-north 18 feet, the mother's property was measured as east-west 130 feet and south-north 18 feet. The 1<sup>st</sup> Respondent Veeraragavan admitted that his vendor did not measure her property during court auction in O.S. No. 85/2016.

### **5.2. Brief of the Counter of 1<sup>st</sup> Respondent, Dated. 16.10.2020:-**

The intention of the petitioner is to prolong the matter and get the case to remand. The petitioner should establish their incapability to produce documents at the time of evidence and to state those are not within their knowledge but they fail in it.

### **5.3. Brief of the Counter of 2<sup>nd</sup> Respondent and adopted by the 3<sup>rd</sup> Respondent, Dated. 08.01.2020-**

The Respondents are not party in O.S. No. 119/1956. The vendor of the respondents are bonafide purchasers for value as early as in 1973, through court

auction and got delivery. The Court auction purchaser sold the same to the respondents. One Chitra executed a gift deed dated 05.09.2008 infavour of 1<sup>st</sup> petitioner is a motivated one while O.S. No. 424/2004 is pending to show the western boundary of the petitioners' property has Sembadavar Santhu and Natesa Nattar's property. The additional document cannot be adduced that the petitioners with due diligence they could not produced at the trial. The only intention of the petitioners is to keep the suit pending and give trouble. When the suit was posted in special list the PW1 was examined on 25.08.2005, but the plaintiff side evidence closed on 14.08.2012. The case was posted for arguments on 19.10.2016 but the plaintiff dragged the matter by filing recall and reopen petitions. After posting of appeal for arguments from 03.03.2018, the appellant not ready to argue so this court posted the appeal for orders on 28.03.2018. Hence, the petition may be dismissed.

**6. I.A. No. 22/2020 in A.S. No. 20/2017:-**

**6.1. Brief of the Affidavit of the petitioner, dated.30.04.2019:-**

The Petitioners deposed affidavit as similar to the affidavit deposed in the petition in I.A. No. 42/2019 but in this petition they seek to amend the plaint.

**6.2. Brief of the Counter of 2<sup>nd</sup> Respondent and adopted by the 3<sup>rd</sup> Respondents, Dated. 12.10.2020 and R1 adopted the counter of 2<sup>nd</sup> Respondent by endorsement dated. 09.11.2020:-**

The Petitioner as a PW1 was examined from 27.03.2007 to 19.10.2016 i.e. for 9 ½ years. The petitioner already filed copies of proceedings of O.S. No. 119/1956 and she was cross examined on those aspects so it is after thought. The main contention of the petitioner is that the property of the petitioner is situate east of Chinnasembadavar lane and Kaliyaperumal Nattar's house but no document filed except the gift deed made by the 2<sup>nd</sup> petitioner to the 1<sup>st</sup> petitioner dated 05.09.2018 after filing of the suit. The facts and materials found in the O.S. No. 119/1956 are irrelevant to the suit and appeal. The petitioners parents purchased 4 + 4 = 8 cents in old S.No. 98/27 but they

amended the plaint for C schedule property but they now claim more than 8 cents. After O.S. No. 119/1956 another suit in O.S. No. 53/1967 was intervened, in that a Court auction was conducted, in the court auction delivery was effected on 03.04.1971, so even the parents of the petitioners were in possession of larger extent that to which they are entitled to, the said right is broken by the court delivery in O.S. No. 53/1967. As per Ex.A3 and Ex.A4 east of the plaintiff's property one Asadullakhan's house and site is situate, the said Asadullakhan is a father of Rahmath Ali Khan. The amendment sought by the plaintiff in para 4 of the plaint they want into include some more property i.e. more than the purchase by their parents. The property purchased by the respondents – 2 and 3 from Malathi ammal on 17.03.2003 and 16.06.2003 but the plaint now sought to be amended in the April 2019 i.e. after 16 years, so the amendment is barred by limitation. In the parents sale deed there is no mention of Chinnsembadavar Street or common pathai and Kaliyaperumal Nattar so the amendment also no relevant and not to be permitted. Hence, the above reason the petition may be dismissed.

## **7. I.A. No. 17/2024 in I.A. No. 22/2020 in A.S. No. 20/2017:-**

### **7.1. Brief of the Affidavit of the 1<sup>st</sup> Petitioner, dated.22.03.2024:-**

The petitioners father Rajaramsingh purchased a property in S.No.98/27 equal to Ward A, Block 50, T.S. No. 37, 38, 39 extent is 18 X 140 feet on 07.02.1947. Then their mother Rajalakshmi purchased in the same survey number with extent 18 X 130 feet on 27.12.1955. Thereafter, their father made a settlement of his property in favour of his wife on 01.10.1972. Their mother made a will on 11.08.1992 in favour of the plaintiffs, their mother died on 09.10.1994 so the will came into effect. Thereafter, the 2<sup>nd</sup> plaintiff made a gift settlement infavour of the 1<sup>st</sup> plaintiff on 05.09.2008 i.e. during pendency of the suit. So the 1<sup>st</sup> plaintiff is a owner for 140 X 36 feet = 5040 Sq. feet. At the northern side of her property one Asadullah khan owned a property in S.No. 98/25, who made a partition in favour his sons Rahmath Ali khan for 6 ½ cents and Kasimkhan for 6 ½ cents on 08.01.1952. The said Rahmath Alikhan filed in a

suit O.S. No. 119/1956 against the plaintiffs parents as defendants – 1 & 2 alleged that 61 X 33 ¼ feet that belongs to him and filed the suit, but it was dismissed by the Additional District Munsif, Cuddalore on 28.11.1958. Based on the judgment in O.S. No. 119/1956 the settlement deed dated.05.09.2008 was happened. The said Rahmath Alikhan behind the back of judgment in O.S. No. 119/1956 and exceeding his property i.e. 6 ½ cents created mortgage deeds on 21.11.1965 includes the property of the plaintiffs parents. Based on the suit in O.S. No. 53/1967 and E.P. No.709/1970 and E.A. No.846/1971 they obtained decrees and get delivery. After that, the Malathi ammal, Siva, Rani are created false deeds. There after the plaintiffs filed amendment petition in appeal to amend the plaint by I.A. No. 22/2020, in I.A. No. 22/2020 there was a typing error and mistakes so the I.A. No. 22/2020 is to be amended.

**7.2. Brief of the Counter of 2<sup>nd</sup> Respondent and adopted by the 3<sup>rd</sup> Respondent, Dated. 12.10.2020:-**

As per the petitioners parents purchase the suit property is only 8 cents but the petitioners claims that she owned 5040 sq. feet it comes to 11.56 cents so she pleaded extra 3.56 cents. The survey numbers are wrongly mentioned. Till the judgment was pronounced in the year 2017 the petitioners stated that all the boundaries stated before are mistaken. The entire plaint was sought to be changed and bring a new case. Hence, the above reason the petition may be dismissed.

**8. I.A. No. 30/2024 in A.S. No. 20/2017:-**

**8.1. Brief of the Affidavit of the 1<sup>st</sup> Petitioner, dated.27.11.2023:-**

The similar narration of the petitioners case as above briefed has again stated in this petition. One Malathi ammal, respondents – 2 & 3 are falsely created a document No.443/2003, their patta also canceled by the revenue department so the proposed party i.e. Malathi ammal is a proper and necessary party to the suit and she is to be added as 4<sup>th</sup> Defendant.

**8.2. Brief of the Counter of 2<sup>nd</sup> respondent and adopted by the 3<sup>rd</sup>**

**respondent, Dated. 10.01.2025:-**

The 4<sup>th</sup> respondent purchased the property in the court auction in O.S. No.53/1967 after that she get sale deed in No.172/1971. After some time the 4<sup>th</sup> respondent moved to Kerala so let the property maintenance to her brother, thereafter the 4<sup>th</sup> respondent sold part of the property as vacant site to the defendants – 1 to 3. Regarding unsold portion the defendants – 2 & 3 enter into a sale agreement on 24.01.2004. There was dispute between plaintiffs and the 1<sup>st</sup> defendant, so O.S. No.424/2004 was filed. After that the defendants – 2 & 3 purchased the property from the 4<sup>th</sup> respondent i.e. proposed party. The defendants – 2 & 3 filed a specific performance suit in O.S. No. 7/2019 and got ex-parte decree. So, impleading of 4<sup>th</sup> respondent is not going to have any bearing on the result of the suit. Hence, the above reason the petition may be dismissed.

**8.3. Brief of the Counter of Respondent – 4/proposed party, Dated. 29.10.2024:-**

The 1<sup>st</sup> plaintiff filed a suit in O.S. No. 166/2009. This respondent already sold her properties at Panruti. This respondent is not a necessary party to this case. Hence, the above reason the petition may be dismissed.

**9. Points for consideration:-**

1. Whether the additional documents are necessary to adjudicate the appeal?
2. Whether the petition in I.A. No. 42/2019 is to be allowed or not?
3. Whether the amendments are necessary and it changed the nature of the suit?
4. Whether the amendments are belated and to fill lacunas?
5. Whether the petition in I.A. No. 22/2020 is to be allowed or not?
6. Whether the petition in I.A. No. 17/2024 in I.A. No. 22/2020 is to be allowed or not?
7. Whether the proposed party is a proper and necessary party to this appeal and suit and belated?



8. Whether the petition in I.A. No. 30/2024 is to be allowed or not?

9. To what other relief the petitioner is entitled for?

10. Both side heard. Both side filed written arguments. There is no oral and documentary evidence marked on either side. The petitioners filed 10 documents with their petition in I.A. No. 17/2024 but those are not marked during enquiry by the counsel.

### **11. Answer to the Points No.1 & 2:-**

11.1. The case of the petitioners is that the petitioners filed a suit in O.S. No.424/2004 which was dismissed on 30.08.2017 against which they preferred this present appeal in A.S. No. 20/2017. There was a previous dispute between one Rahmath Ali Khan and the petitioners' Parents Rajaram Singh and Rajalakshmi in O.S. No. 119/1956 before District Munsif, Cuddalore which was ended in their parents favour. That case plaint and plaint rough sketch are relevant to this case (O.S. No. 424/2004), further the said Rahmath Ali Khan created stealthily documents in favour of others, those documents and the documents related to O.S. No. 119/1956 are relevant to O.S. No.424/2004 but those are inadvertently omitted to plead in the plaint. The one of property found in O.S. No. 119/1956 and in O.S. No. 424/2004 are one and same, hence the decision in O.S. No. 119/1956 is relevant to the present case, hence the document required to be received and to be marked as evidence.

11.2. The case of the respondents that they are not party to the proceedings in O.S. No.119/1956 and there is no sufficient reason given by the petitioner for not bring those documents at the time of trial. Only for the purpose of the dragging the matter the petitioner filed this petition.

11.3. On perusal of the records, the petitioners are being the plaintiffs filed a

Civil suit in O.S. No. 2/2004 before the Sub Court, Panruti then it was transferred to the District Munsif Court, Panruti and renumbered as O.S. No. 424/2004 for the relief of Declaration of title over the suit B schedule property marked as NEFO in the plaint plan and for consequential injunction, mandatory injunction to remove the superstructure put over the suit B schedule wall, declare title over the C schedule property and to surround the vacant possession of the same after removing the superstructure against the 2<sup>nd</sup> and 3<sup>rd</sup> defendants.

11.4. The description of B schedule property is a Wall measuring 1 ½ of feet south – north and east-west 130 feet height 13 feet which is situate in S.No. 98/27, ward No.13. Door No. 86. The B schedule property i.e. Wall situate adjacent to the property of Rajalakshmi ammal as per the plaint plan. The description of C schedule property is OBQP as per plaint plan.

11.5. During the trial on the side of plaintiff there are 26 documents were marked as Ex.A1 to Ex.A26. On perusal of it, the judgment and decree passed in O.S. No.119/1956 were marked as Ex.A18 and Ex.A19 and the I.A. No.3/1957 order and decreetal order were marked as Ex.A16 and Ex.A17. Now the Petitioners/Plaintiffs filed this application to receive 19 documents that are mostly documents created by the subsequent person i.e. buyer, seller, tenant and mortgagee.

11.6. The main relief prayed by the Petitioners/Plaintiffs is regarding a wall i.e. B schedule property and another property in C schedule, regarding to prove the title on immovable property, the documents are necessary but those are not filed during the time of trial before the Trial Court. The point is to be considered is whether those documents are refused by Trial Court or by due deligence it could not be brought to the trial or the appellate court requires.

11.7. On perusal of the judgment of the Trial Court, the Trial Court came to a

conclusion about the Wall, it declined to grant relief to the plaintiffs so the plaintiffs being the petitioners try to prove their case on wall by bringing the documents which are happened in the previous years. Even though their 26 documents as Exhibits are not give success now they wants to bring another 19 documents to prove their case but the reasons put forth there is “... ***I submit that while preparing for argument for the appeal my present Counsel found and clarified with us that certain relevant important legal matters already decided in out favour that means, in favour of out parent in O.S. No.119/1956 had been omitted to be pleaded in the plaint ...***”. On perusal of records the judgment and decree in O.S. No.119/1956 were filed and marked.

11.8. On perusal of the Order 41 Rule 26 of CPC, if the additional evidence is directed or allowed to be taken, the appellate court shall specify the points to which the evidence is to be confined and record on its proceedings the points so specified. Accordingly, the fact of O.S. No. 119/1956 was already pleaded by marking documents that to fill lacunas, the petitioners are filed this petition. The documents are not necessary to decide are plaintiffs suit. Further, the petitioner filed another two amendment petitions to changed the schedule of properties in A to C entirely, so this court is not inclined to the petition.

Hence, these points are answered against the petitioners.

## **12. Answer to the Points No.3 to 5:-**

12.1. The case of the petitioner is that during preparing of appeal arguments the counsel for the petitioners advise that certain important legal matters already decided in their favour was omitted or not pleaded in the plaint i.e. regarding O.S. No.119/1956, if those facts would have been enlightened the result of the suit might be changed infavour of the plaintiffs, even though judgment and decree of O.S. No.119/1956 was marked there was no specific pleading in the plaint, so they filed

this petition to amend the plaint.

12.2. The case of the respondents is that the PW1 was examined for 9 ½ years. The petitioner already filed copies of proceedings of O.S. No. 119/1956 and she was cross examined on those aspects so it is after thought. The main contention of the petitioner is that the property of the petitioner is situate east of Chinnasembadavar land and Kaliyaperumal Nattar's house but no document filed except the gift deed by the 2<sup>nd</sup> petitioner to the 1<sup>st</sup> petitioner dated 05.09.2008 after filing of the suit. The facts and materials found in the O.S. No. 119/1956 are irrelevant to the suit and appeal. The petitioners parents purchased 4 + 4 = 8 cents in old S.No. 98/27 but they amended the plaint for C schedule property but they now claim more than 8 cents. After O.S. No.119/1956 another suit in O.S. No. 53/1967 was intervened, in that a Court auction was conducted, in the court auction delivery was effected on 03.04.1971, so even the parents of the petitioners were in possession of larger extent that to which they are entitled to, the said right is broken by the court delivery in O.S. No. 53/1967. As per Ex.A3 and Ex.A4 east of the plaintiff's property one Asadullakhan's house and site is situate, the said Asadullakhan is the father of Rahmath Ali Khan. The amendment sought by the plaintiff in para 4 of the plaint they want into include some more property more than the purchase made by their parents. The property purchased by the respondents – 2 and 3 from Malathi ammal on 17.03.2003 and 16.06.2003 but the plaint now sought to be amended in the April 2019 i.e. after 16 years, so the amendment is barred by limitation. In the parents sale deed, there is no mention of Chinnsembadavar Street or common pathai and Kaliyaperumal Nattar so the amendment also no relevant and not to be permitted.

12.3. On perusal of the plaint, the plaintiffs being the daughters of one Rajaramsingh filed the suit for the relief of declaration to declare their title over the suit B schedule property marked as NEFO, consequential permanent injunction for suit B schedule wall, Mandatory injunction to remove the superstructure put up on the

B schedule wall which is marked as NEFO.

12.4. The Plaintiffs are filed one I.A. No. 2/2004 in O.S. No. 2/2004 thereafter it was renumbered as I.A. No. 486/2004 in O.S. No. 424/2004 under order 26 Rule 9 of CPC, to appoint an advocate commissioner to inspect suit A and B schedule properties, to find out unlawful construction on the northern side mother wall in the suit B schedule property. The same was allowed on 09.01.2004 by the Sub Court, Panruti. The learned advocate commissioner filed his report on 27.01.2004. Based on the report the plaintiffs counsel filed objection to the advocate commissioner report on 03.02.2004.

12.5. After that, the plaintiff filed amendment petition in I.A. No. 918/2004 in O.S. No. 424/2004 on 02.08.2004 under order 6 Rule 17 of CPC to amend the plaint. The details of amendment is as follows “... ***When the advocate/commissioner measured the suit property on 19.0.2004 the plaintiffs find that the 2<sup>nd</sup> and 3<sup>rd</sup> defendants have encroached upon the suit A schedule property for and extend more specifically described in suit C schedule ...***” . Further a C schedule property was added in the plaint by way of amendment. The description of C schedule property is as per the plaint plan OBQP. This amendment petition was allowed on 04.08.2005. Based on this order, the plaint was amended, further in the prayer coloum a new relief i.e. to declare the title of the plaintiffs in C schedule property and to remove the superstructure put on the C schedule property, against the defendants – 2 & 3. C schedule property was inserted by way of amendment. So this amendment is based on the advocate commissioner report.

12.6. Now in this petition filed in this appeal seeking to amend the plaint with following details of amendment (i). Stories behind the stealthily activities of Rahmath Ali Khan, (ii). To delete the boundaries mentioned in item 1 of suit A schedule property, (iii). To add boundary in item 1 of suit A schedule property, (iv), To delete

the boundaries mentioned in item 2 of suit A schedule property, (v). To add boundary in item 2 of suit A schedule property and (vi). Amend the boundaries of C schedule properties.

12.7. The plaintiffs filed the suit regarding B schedule property i.e. a Wall measuring 1 ½ feet X 130 feet X height 13 feet. The A schedule property includes the B schedule property. After the advocate commissioner report they amended the plaint by inserting the C schedule property and added one prayer for C schedule property. Thereafter the suit was dismissed. Now the plaintiffs are appellants before this court. Now they want to alter the A schedule property and C schedule property its boundaries based on the documents and stories originated from O.S. No. 119/1956 but the judgment and decree of O.S. No. 119/1956 was already filed and marked as Exhibits from Ex.A16 to Ex.A19, so the amendment is clearly a after thought and with a view to fill the lacuna's pointed out by the trial court and to widening the scope of the suit, it is a clear violation of the proviso of order 6 Rule 17 of CPC therefore this court is not inclined to allow this petition, if this petition is allowed it will cause serious loss to the defendants case. Further the amendment will change the nature and character of suit.

Hence, these points are answered against the petitioners.

### **13. Answer to the Point No.6:-**

13.1. The case of the petitioners is that typographical error and mistakes are made in I.A. No. 22/2020 (The petitioner mistakenly typed I.A. No. 22/2020 as I.A. No. 22/2019). So they want amend the amendment petition i.e. I.A. No. 22/2020.

13.2. The case of the Respondents – 2 & 3 is that the entire plaint was sought to be changed and bring a new case.

13.3. On perusal of the details of the amendment in this petition in I.A. No.

17/2024 that (i). The suit A schedule property item 1 & 2 are entirely to be deleted and replaced with the new description of property, (ii). The suit B schedule property is entirely to be deleted and replaced with the new description of property, (iii). The suit C schedule property is entirely to be deleted and replaced with the new description of property, (iv). Body of plaint to be amended, (v). The fact of gift deed dated 05.09.2008 to be inserted, (vi). In the prayer column NEFO to be replaced with EFGDE, (vii). The plaint plan to be replaced with new plan and (viii). The plaintiff to be replaced with 1<sup>st</sup> plaintiff.

13.4. The answer given to the points – 3 to 5 are applicable to this point No.6 also, so this court is not inclined to allow this petition.

Hence, this point is answered against the petitioner.

#### **14. Answer to the Points No.7 to 9:-**

14.1. The case of the petitioners is that the defendants are purchased properties from the proposed party i.e. 4<sup>th</sup> respondent – Malathi ammal, so she is the proper and necessary party and to be impleaded in the suit as 4<sup>th</sup> defendant.

14.2. The case of the Respondents – 2 to 4 is that 4<sup>th</sup> respondent is not a necessary party to the suit.

14.3. On perusal of the plaint in para 2 of the plaint the possession and enjoyment and the sale of the said Malathi ammal are stated. Further, the said proposed party i.e. Malathi ammal already sold her property to the 1<sup>st</sup> defendant before the suit i.e. 17.03.2003, 16.06.2003 then the defendants – 2 and 3 purchased on 17.03.2003. But after disposal of the suit and in the appeal, at very later stage the plaintiffs/ appellants filed this application for impleadment of the 4<sup>th</sup> Respondent – Malathi ammal. During the trial there is no such issue was framed whether the said Malathi ammal wants to be added as a proper and necessary party, further there is no

issue touching on this point. At very belated stage and without any sufficient cause or reason the plaintiffs filed this petition before the appellate court to implead the vendor of the defendants so this court is not inclined to allow the petition, since lack of bonafide and wants to fill lacunas, this petition is filed.

15. The learned counsel for the petitioners filed his written arguments and additional written arguments in I.A. No. 42/2019, I.A. No. 22/2020 and I.A. No. 17/2024 and the respondents – 2 & 3 counsel also filed his written argument for this 3 applications, the learned counsel for the petitioner relied the following judgments, ***Civil Appeal No. 401 of 1994 - Surinder Singh Vs. Kapoor Singh (Dead) th. Lrs. and Ors; Civil Appeal No. 920 of 2008 - Union of India (UOI) Vs. K.V. Lakshman and Ors and Civil Appeal No.5909 of 2022 (Arising out of SLP (C) No. 22443 of 2019) - Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited and Ors.*** for his arguments in I.A. No. 17/2024. The learned counsel for the petitioners and respondents – 2 & 3 filed the written arguments in I.A. No. 30/2024. On careful perusal of the written arguments and judgments relied by the counsels, the arguments advanced by the petitioners counsel is not sustain, since there is no proper explanation given by him for the delay, reason and cause. Further, the petitioners are created many mistakes in their affidavits and petitions and wants to amend repeatedly even they did not mention their application number properly. The arguments of the learned counsel for the respondents – 2 and 3 that with a view to delay the proceedings the applications are filed further if the amendments are allowed it will entirely changed the suit nature, is accepted.

## **16. Result:-**

### **16.1. I.A. 42/2019 in A.S. 20/2017 in O.S. No. 424/2004**

In the result, the petition is dismissed. with costs to Respondents.

### **16.2. I.A. 22/2020 in A.S. 20/2017 in O.S. No. 424/2004**



In the result, the petition is dismissed with costs to Respondents.

**16.3. I.A. No. 17/2024 in I.A. 22/2020 in A.S. 20/2017 in O.S. No. 424/2004**

In the result, the petition is dismissed with costs to Respondents - 2 & 3.

**16.4. I.A. 30/2024 in A.S. 20/2017 in O.S. No. 424/2004**

In the result, the petition is dismissed with costs to Respondents - 2 & 3.

This order is typed by the Steno - Typist directly in computer on my dictation, corrected and pronounced by me in open court on the 2<sup>nd</sup> day of December 2025.

sd/-Mr. J. ANVAR SATHATH. B.Com. M.L.  
Subordinate Judge  
Panruti.

Petitioners Side witness and Documents : Nil

Respondents side Witness and Documents : Nil

sd/-Mr. J. ANVAR SATHATH. B.Com. M.L.  
Subordinate Judge  
Panruti.

Common order  
Draft/Fair Order (AFT)  
I.A.No. 42/2019,  
I.A.No. 22/2020,  
I.A.No. 17/2024,  
I.A.No. 30/2024 and  
in  
A.S.No.20/2017  
Date:02.12.2025