

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, CHIDAMBARAM

PRESENT: Tmt. S.SUGANIYA SRI B.A.B.L (Hons), M.L., PGDAML

ADDITIONAL DISTRICT MUNSIF, CHIDAMBARAM

THURSDAY, THE 1ST DAY OF SEPTEMBER, 2022**IA.No. 93/2022 in OS. 196/2016**

Senthilkumar

.... Petitioner/ plaintiff

/Vs/

1. District Collector, Cuddalore
2. Tahsildar, Bhuvanagiri
3. Jambulingam
4. Mangaiyarkarasi

.... Respondents/ Defendants

For Petitioner	Thiru.N.Rajendiran, Advocate
Respondents No. 1,2	Thiru.K.S. Elangovan, Government Pleader/ Advocate
Respondents No. 3,4	Thiru. K. Sathiyamoorthy
Relief Claimed	Under Order 6 Rule 17 CPC to amend the plaint as per the particulars mentioned in the petition
Final Hearing	6.8.2022

Upon hearing the arguments of both sides and on perusal of the entire records and having stood over for consideration till this day, this court delivers the following

ORDER**The case of the petitioner:**

1. The petitioner is the plaintiff and respondent is the defendant in the suit. The petitioner has filed the suit for the relief of mandatory injunction. When the suit was pending, the 3rd and 4th respondents are impleaded under Order 1 Rule 10 of CPC as 3rd and 4th defendants in the main suit as per order in IA.162/2021 dated 8.3.2022. Therefore, the plaint has to be amended as per the order in IA.162/2021.

Otherwise the petitioner will be put to irreparable loss and injury. Hence this petition.

The case of the 1st and 2nd respondent:

2. The respondent vehemently oppose the petition filed by the petitioner. The petitioner is duty bound to prove the fact that the 3rd and 4th respondent tried to encroach and has put up the fence in their property. Furthermore, it is only after the 3rd respondent has submitted the appropriate document, the patta has been transferred to his name. The petitioner hiding all those things has stated in his affidavit that the patta was changed without inviting for any objections, which is false and frivolous. Therefore, the respondent prays to dismiss the petition with cost.

The case of the 3rd and 4th respondent:

3. The respondent denies all the averments in the petition and the petition is not maintainable either in law or on facts and it is liable to be dismissed in limine. The respondents entirely deny the 2nd para of the affidavit. The petitioner has filed this petition only to harass 3rd and 4th respondent as such the suit property is registered in the name of 4th respondent. By this petition, the petitioner is wasting the precious time of the court and also creating the new facts and circumstances in petitioner's favour. If this amendment petition is allowed, then the 3rd and 4th respondent will be put to irreparable loss and injury.

4. Now the point for consideration is whether the petitioner is entitled to get the relief as prayed for?

5. On the side of both parties, no oral and documentary evidence was let in.

Points for consideration:

6. Heard both sides. This court has carefully gone through the entire records of the case. The suit is filed for the relief of mandatory injunction. This is the petition to amend the plaint consequent to the order in IA.162/2021 dated 8.3.2022 filed under Order I Rule 10 of CPC. It is to be observed that after detailed enquiry in IA.162/2021, this court has observed that the 3rd and 4th respondents are necessary parties to the suit. Hence, this petition is filed to amend the plaint particulars so as to implead the 3rd and 4th respondents as 3rd and 4th defendants in the plaint. It is to be noted that no prejudice will be caused to the respondents on allowing this petition as it is the consequential amendment after the order in IA.162/2021. Therefore, in order to render substantial justice and to avoid multiplicity of proceedings, this court is inclined to allow this petition.

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

Dictated to the steno-typist, transcribed by her and typed in computer, corrected and pronounced by me in the open court this the 1st day of September 2022.

(Sd/-S.Suganiasri)

ADDITIONAL DISTRICT MUNSIF,
CHIDAMBARAM

List of witnesses and documents on the side of the petitioners:

NIL

List of witnesses and documents on the side of the respondents:

NIL

(Sd/-S.Suganiasri)
ADDITIONAL DISTRICT MUNSIF,
CHIDAMBARAM