

IN THE COURT OF THE ADDITIONAL DISTRICT MUNSIF, TITTAGUDI

Present: Selvi.N.Shalini, B.Com.LL.B.(Hons.)

Additional District Munsif, Tittagudi

On Wednesday, the 18th day of June 2025

IA.No.567/2023 in O.S.No.248 /2006

Rajamanikkam

...Petitioner/Plaintiff

/Vs/

1.Arumugam Servai (Died) Legal heirs-Respondents 2 to 4

2.Duraisamy Servai (Died) Legal heirs- Respondents 5 to 9

3.Vellaiyan

4.Selvarasu

5.Paunambal

6.Selvi

7.Saranya

8.Vikki @ Vikneshwaran

9.Purushsothaman

...Respondents/Defendants

This petition was filed on 20.11.2023 and coming before me for final disposal on 10.06.2025 in the presence of Mr.G.Senthil Saravanan, the Counsel for Petitioner and Mr.P.K.Mani, Counsel for Respondents, and upon hearing the arguments of both sides and upon perusing the materials on record, this court doth hereby pronounce the following;

ORDER

1. This petition has been filed under Order VI Rule 17 of the CPC, seeking to amend the plaint in O.S.No.248/2006.

2. On perusal of the petition, it has been mentioned that the 1st Defendant died and his legal heirs are the Respondents 2 to 4. The 2nd Defendant died and his legal heirs are the Respondents 5 to 9. Further, the Petitioner filed an application under Order 41 Rule 27 CPC to file an additional document dated 06-07-1974 which is the sale deed executed in favour of the Petitioner by Natesa Udaiyar and Vaidhiyanatha Udaiyar son of Sundarappa Udaiyar and the said application was allowed. Consequently, the Petitioner has sought to amend the plaint.

3. On perusal of the counter statement of the 6th Respondent, it has been mentioned that the age of the Respondents have been wrongly stated. Further the Respondents vehemently deny the averments contained in para 6 regarding the measurements of the property specified and the property enjoyed by the petitioner. The Respondents 3, 5, 7 to 9 have adopted the written statement filed by the 6th Respondent.

4. Heard both sides and perused the records available before this court.

5. After hearing arguments of the Learned Counsel for the Petitioner and the Respondents, this court finds that the proposed amendment does not materially amend the plaint. The proposed amendments are consequential in nature and that it is necessary for effective adjudication of the point of controversy between the parties to the suit. The contentions regarding the measurements of the property specified and the property enjoyed by the petitioner can be elucidated at the time of trial. The proposed amendment will not cause prejudice to the Respondents.

6. Therefore, in order to render substantial justice by complete adjudication of all the issues involved between the parties, this court is of the view that this amendment has to be allowed in the interest of justice and to avoid multiplicity of proceedings. Furthermore, for fair adjudication and for the purpose of determining the real

questions in controversy between the parties the proposed, this court is inclined to allow this petition.

In the result, this petition is allowed and there is no order as to costs.

Directly typed by me in my laptop, formatted by Steno, corrected and pronounced by me in the open court, on this the 18th day of June 2025

Additional District Munsif,
Tittagudi.

Oral and documentary evidence on the side of the Petitioner : NIL
Oral and documentary evidence on the side of the Respondents: NIL

Additional District Munsif,
Tittagudi.

Draft Order/Fair Order
IA.567/2023 in
O.S.No.248/2006
Date: 18.06.2025

