

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt. V. Devapriya, B.Sc., M.L.,
District Munsif, Madurantakam
Tuesday, the 2nd day of July, 2024

E.A.No.1/2024
in
E.P.No.5/2023
in
O.S.No.84/2009

R.Boopathi

...Petitioner/Decree Holder

-VS-

1. M.Elumalai (died)
2. Saraswathi Ammal (died)
3. Saravanan
4. Senthil
5. Suresh
6. Rukkammal
7. Kuttiammal @ Mahalakshmi
8. Parvathi Ammal

...Respondents/Judgment Debtors

This petition coming up before me on 19.06.2024 for final hearing in the presence of, Thiru.P.S.George, counsel for Petitioner/Decree Holder and Respondents 1 and 2/Judgment Debtors 1 and 2 having been died and Thiruvalargal.A.Abdul Hayath and P.Praveen Kumar, counsels for Respondents 3 to 8/Judgment Debtors 3 to 8 and after hearing the arguments on both sides and upon perusing the materials placed on record, and having stood over for consideration till this day, this court delivers the following,

ORDER

This petition has been filed by the Petitioner/Decree Holder under Order VI Rule 17 of Code of Civil Procedure, to amend the above execution petition.

2.The averments stated in the petition, in brief :

The Petitioner/Decree Holder had filed the above suit for specific performance against the 1st Respondent/1st Judgment Debtor and the same was decreed on 13.11.2009. Against the said judgment and decree, the 1st Respondent/1st Judgment Debtor had not preferred any appeal. The 1st Respondent/1st Judgment Debtor died on 13.05.2010 and therefore his legal heirs are already impleaded as Respondents 2 to 8/Judgment Debtors 2 to 8 in the above execution petition. By oversight, the name of the 6th Respondent/6th Judgment Debtor was mentioned as Rukkammal instead of Rukmani. Therefore, it is necessary to amend the above execution petition. Hence the petition.

3. The averments stated in the counter filed by 5th Respondent/5th Judgment Debtor and adopted by Respondents 3,4,6,7,8/Judgment Debtor 3,4,6,7,8, in brief:

This Petition is not maintainable in law and on facts. The averments in the affidavit are false. This petition is filed to drag on the case. There is no merits in this petition. Hence this petition is liable to be dismissed with costs.

4. The point for determination is whether this petition is to be allowed or not?

5. No Exhibits marked and no witnesses were examined on both sides.

6. Heard both sides and perused the records.

7. The Petitioner/Decree Holder had filed this petition to amend the name of the 6th Respondent/6th Judgment Debtor. The Respondents 3 to 8/Judgment Debtors 3 to 8 had not made any specific objection with regard to the name of the 6th Respondent/6th Judgment Debtor. Hence, in the interest of justice, this court is inclined to allow this petition.

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

Dictated to the Stenographer, transcribed and typed by him and corrected and pronounced by me in open court on this the 2nd day of July, 2024

District Munsif
Madurantakam

Petitioner side witnesses and documents:

Nil

Respondents side witnesses and documents:

Nil

District Munsif
Madurantakam