

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt. V. Devapriya, B.Sc.,M.L.,
District Munsif, Madurantakam

Friday, the 20th day of January, 2023

I.A.No. 7/2022
in
O.S. No. 138/2013

Kanniappan

...Petitioner/Plaintiff

-vs-

1. Vasantha
2. Ravi
3. Subramani
4. Ramesh
5. Sumathi
6. Savithiri

...Respondents/Defendants

This petition coming up before me on 03.01.2023 for final hearing in the presence of, Thiruvalargal.V.Jayachandran, P.Rajendran, and S.Jothis Muppidthi, counsel for the Petitioner/Plaintiff and Thiru.V.Agoram, counsel for Respondents 1 to 5/Defendants 1 to 5 and the suit against 6th Respondent/6th Defendant having been dismissed on 01.03.2016 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/Plaintiff under Order VI Rule 17

read with section 151 of Code of Civil Procedure, to amend the plaint.

2.The averments stated in the petition in brief:

The Petitioner/ Plaintiff had undergone on operation for Herina in JIPMER Hospital at Puducherry on 04.10.2016 and was discharged on 18.10.2016. In view of the above said ill health issues the Petitioner/Plaintiff had appointed one R.Krishnan as his Power Agent to represent the suit. The Petitioner/Plaintiff had filed an application under Order III Rule 2 (a) Code of Civil Procedure, to recognize the above said Power Agent and the same was allowed on 15.09.2021. Therefore it is necessary to amend the cause title and statement of address in the plaint. Hence this petition.

3. The averments stated in the Counter filed by the 2nd Respondent/ 2nd Defendant and adopted by other Respondents 1 and 3 to 5/Defendants 1 and 3 to 5 in brief:

The petition is not maintainable in law and on facts. This petition is filed only to drag on the proceedings and there is no proof of illness filed along with this petition. The fact of the case are only known to the Petitioner/Plaintiff and the Power agent has no locus standi to file this petition. 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/Plaintiff had filed this petition to amend the plaint in the above suit. The Respondents 1 to 5/Defendants 1 to 5 had resisted the petition stating that, the petitioner has no locus standi to file this petition and this petition is filed only to drag on the proceedings. The Petitioner/Plaintiff had already filed a petition to recognize his Power Agent and the same was allowed by this court. The amendment sought for in this petition is only a consequential amendment. Therefore the reason stated by the Respondents 1 to 5/Defendants 1 to 5 is unsustainable. 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 and transcribed by her and corrected and pronounced by me in open court on this the 20th day of January, 2023

District Munsif
Madurantakam

Petitioner side witnesses and documents:

Nil

Respondent side witnesses and documents:

Nil

District Munsif
Madurantakam