

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, DHARMAPURI.

Present: Tmt. C. Thirumagal, M.L.,
Principal District Judge.

Friday, the 21st day of November, 2025.

I.A.No.05/2024 in O.S.No.15/2022

1. Karthikeyan

2. Abithbasha

... Petitioners / Plaintiffs

/Versus/

1. S.M.Jothibashu

... 1st Respondent / 1st Defendant

/Versus/

2. Selvarasi

... 2nd Respondent / Proposed party

This petition came up before me for final hearing on 20.11.2025 in the presence of Thiru. B.Govindasamy, Advocate for the Petitioners / Plaintiffs; and Thiru. T.Nehru, Advocate for the respondent / Proposed party and the Respondent are having been called absent and set exparte upon hearing the arguments of both side counsels and on perusal of the case records and documents, this court passed the following:

ORDER

The petitioner / plaintiff had filed this petition seeking permission under Order 6 Rule 17 of CPC to amend the Plaint.

The averments in the affidavit filed in support of the petition, in short, as follows:-

2. The petitioners are the 1st plaintiff in the suit. The petitioner and 2nd plaintiff have filed the above suit against defendant seeking for the relief of specific performance. The proposed party Selvarasi had filed a petition in I.A.No.3/2024 to implead her as 2nd

defendant in the main suit. The said petition was allowed by this court on 03.01.2024. Therefore the present application has been filed to amend the plaint. No prejudice will be caused to respondent. Unless the amendment is not allowed the petitioners will be put to great loss and hardship. It is necessary to amend the suit as per the petition. Hence, the petition.

The counter filed by the proposed party in short, as follows:-

3. The petition is false, vexatious and an abuse of the process of law and is not maintainable either in law or on facts. All the allegations made in the affidavit filed in support of the petition are denied into, except the specifically admitted and the petitioners are put to strict proof of the same. The respondent having no objection to amend in 1 to 51 places. The respondent has no objection on allowing of the said I.A.No.03/2023. It is false to state that the documents standing in the name of 2nd respondent. Moreover, the petitioners have filed this petition without claim against 1st defendant. Hence, the petition is not maintainable and the above facts based on the petition is liable to be rejected. It is therefore prayed to dismiss the petition.

4. No oral or documentary evidence produced on either side.

5. Heard arguments of both side and perused the records.

6. **The point is** Whether the petitioner is entitled to amend the plaint and whether the petition has to be allowed ?

Answer to the Point:-

7. Admittedly, the above I.A.No.03/2024 had been filed by the proposed party to implead her as a 2nd defendant in main suit and the same was allowed on 03.01.2024. The petitioners have filed this petition to amend the plaint. The objection raised by the respondents is that, the petitioners no claim to against 1st defendant.

8. It cannot be said that the amendment was not bonafide or that the amendment was sought with ulterior motive. Further, if the amendment is refused, it may lead to multiplicity of litigations. The amendment will not alter the nature of the suit and will not make any change in the relief claimed in the suit. Moreover, no prejudice will be caused to the respondent by allowing this application. Therefore, this court decides that the said amendments have to be amended in the plaint and so this petition has to be allowed as prayed for by the petitioners. Hence, this court is not able to find any merits in the contention put forth by the learned counsel for the respondents. This court is of the opinion that the petitioners have made out a case for allowing this petition. The point is answered, accordingly.

RESULT:-

In the result, the petition is allowed. There is no order as to cost.

Dictated to the steno-typist, computerized by him, after making corrections pronounced by me in open court, the 21st day of November 2025.

Principal District Judge,
Dharmapuri.

List of witnesses on the side of petitioners and respondent: -Nil-

List of documents on the side of petitioners and respondent: -Nil-

Principal District Judge,
Dharmapuri.

Draft/Fair Order in
I.A.No.05/2024 in
O.S.No.15/2022
Dated 21.11.2025