

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
KRISHNAGIRI**

PRESENT: Tmt.V.R.Latha., M.A., B.L.,

Principal District Judge, Krishnagiri.

Thursday, the 5th day of March, 2026

I.A.No.04/2025 in POP.No. 13 /2021

1. Minor M.Abinesh

2. Minor M.Kanmani

Minors represented by their Next Friend and Mother M.Chithra

... Petitioners

Versus

1. V. Madhesan

2. V. Deivanai

3. V.Jothi

4. Sathiyam

5. B.V.Mani

6. V. Krishnamoorthy

... Respondents

This petition is coming up for final hearing before me on today in the presence of Tr.R.Venkataswamy, Advocate for Petitioner, and Tr.K.Marks, Advocate for the 6th respondent. Upon hearing both side arguments and upon perusing the documents and the case having stood over for my consideration till this day, I delivered the following

ORDER

This Interlocutory Application has been filed by the petitioners under Order 6 Rule 17 of CPC, seeking to amend the plaint as detailed in the petition.

2. Brief averments made in the petition are as follows;

The petitioner submits that he is the 1st petitioner in the above I.O.P and the respondents herein are the respondents in the said proceedings. The petitioner further submits that at the time of filing of the above suit he was a minor and therefore the suit was filed through his mother as next friend in forma pauperis. The petitioner submits that his date of birth is 26.03.2004 and that he has now attained majority. Hence he has filed petitions before this Hon'ble Court to declare him as major and to remove his mother as next friend. The petitioner further submits that this Hon'ble Court by orders dated 04.03.2023 passed in I.A.No.2/2023 and I.A.No.3/2023 has declared him as major and removed his mother as next friend and natural guardian. The petitioner therefore submits that necessary amendments have to be carried out in the plaint so as to reflect the status of the petitioner as major and to remove the reference relating to next friend. Hence the petitioner has filed this petition seeking permission of this Hon'ble Court to amend the plaint as stated in the accompanying amendment petition.

3] The Brief averments made in the counter filed by 6th respondent is as follows:-

The 6th respondent/6th defendant submits that the allegations made in the petition are not acceptable either in law or on facts and the petitioner is put to strict proof of the same. The respondent submits that it is true that the 1st petitioner was born on 26.03.2004 and that orders were passed in I.A.No.2/2023 and I.A.No.3/2023 declaring the 1st petitioner as major and removing his mother as next friend. The respondent further submits that in the petition the 2nd petitioner is described as a minor whereas in the address portion she is stated to be aged about 19 years. According to the respondent, no petition has been filed to declare the 2nd petitioner as major or to remove the mother as next friend in respect of the 2nd petitioner. The respondent submits that though the amendment petition seeks to remove the minor status only in respect of the 1st petitioner, in another portion the petitioners have sought to remove the next friend for both the 1st and 2nd petitioners which is not proper. The respondent further submits that the 2nd petitioner has not cooperated with the 1st petitioner in conducting the case and therefore a petition was earlier filed to transpose the 2nd petitioner as the 7th defendant in the suit, but the same was returned by this Court for defects. The respondent submits that suppressing the said facts the present petition has been filed and

that the petition has not been filed in accordance with law. Hence the respondent prayed that the petition is liable to be dismissed with costs.

4] The point for consideration is,

1] Whether this petition is to be allowed or not?

5] The learned counsel for the petitioner submitted that the 1st petitioner was a minor at the time of filing of the suit and therefore the suit was filed through his mother as next friend in forma pauperis. The learned counsel further submitted that the 1st petitioner has now attained majority and his date of birth is 26.03.2004. It is also submitted that this Court by orders dated 04.03.2023 in I.A.No.2/2023 and I.A.No.3/2023 has already declared the 1st petitioner as major and removed his mother as next friend. The learned counsel therefore submitted that in view of the above orders necessary amendments have to be carried out in the plaint so as to reflect the status of the 1st petitioner as major and to delete the reference relating to next friend. The learned counsel further submitted that the proposed amendment is only formal in nature and it will not change the nature of the suit. Hence the learned counsel prayed that this Court may be pleased to allow the petition.

6] On the other hand, the learned counsel appearing for the 6th respondent strongly opposed the petition. The learned counsel submitted that

the present petition has not been filed in accordance with law and the same is not maintainable. The learned counsel further submitted that though the 2nd petitioner is described as minor in the cause title, in the address portion she is stated to be aged about 19 years. However, no petition has been filed to declare the 2nd petitioner as major or to remove the mother as next friend in respect of the 2nd petitioner. The learned counsel also submitted that in the amendment petition the petitioners have sought to remove the minor status only in respect of the 1st petitioner, but at the same time they have sought to remove the next friend for both the petitioners which is not proper. The learned counsel further submitted that the 2nd petitioner has not cooperated with the 1st petitioner in conducting the case and therefore a petition was earlier filed to transpose the 2nd petitioner as the 7th defendant in the suit and the same was returned by this Court for defects. Suppressing the said facts the present petition has been filed. Hence the learned counsel prayed that the petition is liable to be dismissed.

7] Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the 6th respondent. Perused the records. It is seen from the records that the 1st petitioner was originally a minor and therefore the proceedings were filed through his mother as next friend. Subsequently, the 1st petitioner filed petitions in I.A.No.2/2023 and I.A.No.3/2023 to declare him

as major and to remove his mother as next friend. In the evidence given by the 1st petitioner in I.A.No.3/2023, the 1st petitioner has stated that he has completed Diploma in Mechanical Engineering and is working in a private company. He has also admitted that his sister, namely the 2nd petitioner, is working in Chennai and that she is under the care and custody of their father. However, in the present petition the 2nd petitioner is still described as minor in certain portions, whereas in the cause title her age is mentioned as 19 years. No proper petition has been filed to declare the 2nd petitioner as major or to remove the next friend in respect of the 2nd petitioner.

8] Further, the present petition has been filed seeking amendment only in respect of the 1st petitioner without properly clarifying the status of the 2nd petitioner. Hence the contention raised by the respondent that the petition has been filed following proper procedure appears to be correct. It is also to be noted that the proceedings are still at the stage of Pauper O.P and the suit has not yet been numbered as a regular suit. However, in several places in the petition the proceedings are wrongly described as plaint and suit. Thus the petition contains several inconsistencies and mistakes which create confusion. In such circumstances, this Court is of the view that the present petition has not been properly presented before this Court and the same cannot be considered at this stage.

In the result, this petition is dismissed. However, the petitioners are at liberty to file a fresh petition in proper manner to proceed further in this case.

No costs.

Dictated to steno-typist, directly typed by him in computer, corrected and pronounced by me in the Open Court on this, the 5th day of March, 2026.

Principal District Judge,
Krishnagiri.