

**IN THE COURT OF DISTRICT MUNSIF UTHANGARAI
KRISHNAGIRI DISTRICT**

**Present : Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.
District Munsif, Uthangarai**

On this Monday, the 14th day of October 2024

I.A.No. 06 of 2024 in I.A.No. 92 of 1996 in O.S.No. 81 of 1996

TNKI13-000001-1972

Ramakkal	...Petitioner / Petitioner / 2 nd Defendant
	/versus/
1. Ramakkal (Died)	...1 st Respondent / 2 nd Plaintiff
2. Kannu Gounder (Died)	...2 nd Respondent / 1 st Defendant
3. Devakiyammal (Died)	...2 nd Respondent / 3 rd Defendant
4. Sakthi	
5. Chitra	
6. Manjula	
7. Santhi	...Respondents / Respondents / Legal heirs of 3 rd defendant
8. Unnamalai	
9. Arumugam	
10. Parimala	...Respondents / Respondents / Legal heirs of 2 nd plaintiff

This interlocutory application came up before this Court on 03.10.2024 for final hearing in the presence of advocate Thiru. K. Murugan, the learned counsel for the petitioner and advocate Thiru. R. Chandrasekaran, the learned counsel for the respondents 8 to 10 and upon hearing both sides and on perusal of records and having stood over for consideration till date, this Court delivers the following:

ORDER

The application has been filed under Order VI Rule 17 of the Code of Civil Procedure, 1908 seeking leave to amend the application in I.A.No. 92 of 1996 in O.S.No. 81 of 1996.



The averments of the petitioner in brief:

1. The petitioner avers that during the pendency of I.A.No. 92 of 1996, the 2nd respondent died on 21.12.2018 and the 1st respondent Ramakkal died on 13.04.2023 and applications impleading their legal representatives were filed which were allowed by this Court. Hence, the petitioner prays for allowing this application to amend the application in I.A.No. 92 of 1996.

The averments of the respondents 8 to 10 in brief:

2. The respondents deny the averments of the petitioner in toto and aver that it is not denied that the 1st respondent Ramakkal died on 14.04.2023. The respondent aver that the petitioner has been served with only copy of the present application and the pending application has been instituted 28 years ago and the petitioners are unaware of the proceedings. The respondents aver that this application has been filed after a prolonged period and the application is liable to be dismissed, and the respondents seek for dismissal of the application.

Point for consideration:

3. Whether this application is liable to be allowed?

Evidence:

4. Neither of the parties to this application has adduced any oral or documentary evidence.

Discussion:

5. This Court, having considered the arguments advanced on both sides and thoroughly examined the pertinent case records, proceeds to delineate its findings by the following discussion. This application has been filed by the 2nd defendant in the suit / petitioner in I.A.No. 92 of 1996 seeking leave to amend the application in



I.A.No. 92 of 1996. A perusal of the case records would show that the 2nd respondent / 1st defendant namely Kannu Gounder had died on 21.12.2018 and steps were taken in I.A.No. 01 of 2023 under section 5 of the Limitation Act, 1963, and I.A.No. 02 of 2023 under Order XXII Rule 9 of the Code of Civil Procedure, 1908 and I.A.No. 03 of 2023 under Order XXII Rule 3 of the Code of Civil Procedure, 1908 which came to be allowed by order dated 31.01.2024. A further perusal of the case records would show that I.A.No. 04 of 2024 had been filed recording the death of the 1st respondent / 2nd plaintiff on 14.04.2023 and the respondents 8 to 10 have been ordered to be implead as parties in the application in I.A.No. 92 of 1996 by order dated 19.08.2024.

6. The petitioner seeks to amend the application to record the deaths of the 1st and 2nd respondents in I.A.No. 92 of 1996, and add Periyapapa, Sakthivel, who are the legal heirs of the 2nd respondent / 1st defendant namely Kannugounder and to add Unnamalai, Arumugam, Parimala who are the legal heirs of the 1st respondent / 2nd plaintiff namely Ramakkal. This Court, by its orders dated 31.01.2024 in I.A.No. 03 of 2023 and 19.08.2024 in I.A.No. 04 of 2024, have allowed the parties to be impleaded as parties in the application in I.A.No. 92 of 1996. A perusal of the proposed amendments would show that they are consequential in nature and the objections raised by the respondents 8 to 9 are only perfunctory in nature. Hence, this Court is inclined to allow this application without any cost.

Result:

7. As a result, this application is allowed. No cost.



This order was dictated to the steno-typist and transcribed by her on computer and after rectification of mistakes, pronounced by me in open court on this 14th day of October 2024.

Sd/-
Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.
District Munsif
Uthangarai

Annexure

Petitioner side evidence

Petitioner side Witnesses: Nil

Petitioner side Exhibits: Nil

Respondent side evidence

Respondent side Witnesses: Nil

Respondent side Exhibits: Nil

Court Documents: Nil

Sd/-
Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.
District Munsif
Uthangarai