

**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 Tuesday the 29th day of October 2024

I.A.No. 03 of 2024 in O.S.No. 30 of 2023

TNKI13-000040-2023

Ramakkal

...Petitioner / Plaintiff

/versus/

1. Jaya

...1st Respondent / Defendant

2. The Sub-Registrar, Uthangarai

3. The District Registrar, Krishnagiri

4. The District Collector, Krishnagiri ...Respondents 2 to 4/ Proposed Defendants

This interlocutory application came up before this Court on 22.10.2024 for final hearing in the presence of advocate Thiru. A. Nirmal Kumar, the learned counsel for the petitioner and advocate Thiru. S. Moorthi, the learned counsel for the 1st respondent and the respondents 2 to 4 set *ex parte* for non-appearance 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 of the plaint.

The averments of the petitioner in brief:

1. The petitioner herein is the plaintiff in the suit instituted for cancellation of the sale deed and perpetual injunction against the 1st respondent. The petitioner aver that the plaintiff filed a interim application having I.A.No. 01 of 2023 in O.S.No. 30 of 2023 seeking to implead the proposed parties as the defendants, and the same was



allowed on 31.01.2024. Hence, it is necessary to amend the plaint accordingly for proper and further adjudication, and prays for allowing this application.

No counter of the 1st respondent:

2. The learned counsel for the 1st respondent endorsed no counter, and represented the same.

Dispensation of the notices to the 2nd to 4th respondents:

3. The notices to the respondents 2 to 4 were dispensed with since they were set *ex parte* in the application to implead them.

Point for consideration:

4. Whether this application is liable to be allowed?

Evidence:

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

Discussion:

6. 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 suit has been instituted for cancellation of sale deed registered as Doc.No. 6877/2022 dated 24.09.2022 and perpetual injunction restraining the 1st respondent from interfering with the petitioner's possession of the suit property. This application has been filed by the plaintiff seeking amendment of the plaint to include the name of the respondents 2 to 4 as the defendants in the suit. A perusal of the case records would show that the petitioner has filed an application under Order I Rule 10 (2) of the Code of Civil Procedure, 1908 to implead the



respondents 2 to 4 as the defendants to the suit, and the same was allowed by an order dated 31.01.2024. This application has been filed under Order VI Rule 17 of the Code of Civil Procedure, 1908 seeking amendment of the plaint as per the order dated 31.01.2024 in I.A.No. 01 of 2023. The learned counsel for the 1st respondent endorsed no counter and the respondents 2 to 4 have not appeared before the Court. Hence, this Court is of the considered view that the amendments are consequential in nature. Hence, this Court is inclined to allow this application as prayed to amend the plaint.

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 29th 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 & Exhibits: Nil

Respondent side evidence

Respondent side Witnesses & Exhibits: Nil

Court Documents: Nil

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

District Munsif
Uthangarai