

**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 7th day of November 2023

**I.A.No. 09 of 2023 in O.S.No. 112 of 2013**

TNKI13-000045-2013

Santhi

...Petitioner / Plaintiff

/versus/

1. Manickam (Died)
2. Velu
3. Thirumal
4. Vasantha

...Respondents / Defendants

This interlocutory application came up before this Court on 07.11.2023 for final hearing in the presence of advocate Thiru. K. Murugan, the learned counsel for the petitioner and advocate Thiru. G.M. Saravanan, the learned counsel for the 3<sup>rd</sup> respondent and later set *ex parte* for non-appearance and advocate Thiru. S. Moorthi, the learned counsel for the 4<sup>th</sup> respondent and the notice to the 2<sup>nd</sup> respondent was dispensed with 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 plaint.

***The averments of the petitioner in brief:***

1. The petitioner herein is the plaintiff in the suit instituted for partition and perpetual injunction and aver that the husband of the 4<sup>th</sup> defendant namely Subramani filed application to act as power-agent on behalf of the 4<sup>th</sup> defendant in I.A.No. 04 of



2019 which has been allowed by this Court. Hence, the petitioner prays for allowing this application to amend the plaint.

***No objection by the 4<sup>th</sup> respondent & non-appearance of the 3<sup>rd</sup> respondent:***

2. The learned counsel for the 4<sup>th</sup> respondent endorsed no counter and represent no objection to allow this application. Despite due service of the notice of hearing to 3<sup>rd</sup> respondent, the 3<sup>rd</sup> respondent failed to appear and was set *ex parte* on 07.11.2023. The notice to the 2<sup>nd</sup> respondent was dispensed, since he was set *ex parte* in the suit and remained absent throughout the proceedings, to avoid delay in the proceedings.

***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:***

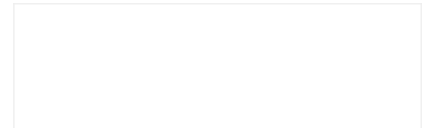
5. This Court heard both sides and perused case records. This suit has been instituted for partition and perpetual injunction restraining alienation of the suit properties and for declaration of a registered sale deed as null and void. When the suit was posted for evidence on the side of the 4<sup>th</sup> defendant, the power-agent of the 4<sup>th</sup> defendant filed application in I.A.No. 04 of 2019 seeking leave to act and adduce evidence on behalf of the 4<sup>th</sup> defendant. The said application in I.A.No. 04 of 2019 was allowed by order dated 28.06.2023 and the proposed amendments are in nature to add the name of the power-agent to the long and short cause title. Hence, considering the nature of proposed amendments being consequential and no objection from the respondents, this Court is inclined to allow this application without any cost.



***Result:***

6. *As a result, this application is allowed. No cost.*

This order was dictated to the typist and transcribed by her on computer and after rectification of mistakes, pronounced by me in open court on this 7th day of November 2023.



District Munsif  
Uthangarai

**Annexure**

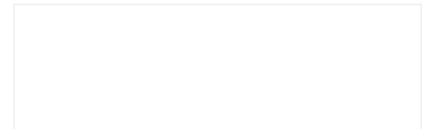
**Petitioner side evidence**

Petitioner side Witnesses & Exhibits: Nil

**Respondent side evidence**

Respondent side Witnesses & Exhibits: Nil

**Court Documents:** Nil



District Munsif  
Uthangarai