

**IN THE COURT OF THE I ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present: Thiru. R. Sundara Kamesh Marthandan, M.L.,

I Additional District Munsif, Nagercoil

Tuesday, on the 4th day of February 2025

I.A. No. 2 of 2024

in

O.S. No. 50 of 2022

(CNR No: TNKK04-000074-2022)

Sornakumar

... Petitioner / 1st defendant

-vs-

1. Meenatchi Sundar

2. Jayanthi

3. Sarathadevi

4. Lekshmi

5. Rani

6. Gowri Rajam

7. Subramanian

8. Velumayil

9. Neelavathi

... Respondents / Plaintiffs / Defendants 2 to 4

This Petition came before this Court on 04.02.2025 for final hearing in the presence of Mr. M.S. Moorthy, Advocate for the Petitioner, Mr. N. Chitambarathanu Pillai for 1st Respondent. Upon Perusing the case records, having stood over till date for consideration this Court hereby delivers the following:

ORDER

1) The Petitioners had filed the above Petition Under Order IX Rule 7 and

Section 151 Code of Civil Procedure, seeking an order to Set aside the Order dated 31.01.2024 setting the Petitioner/1st Defendant exparte.

2) The Petitioner had stated on 31.01.2024 for not filing written statement, the Petitioner/1st Defendant was set exparte. The Petitioner had further stated that the Petitioner perused the Plaint documents and found that the Plaintiff's father is not the owner of the Plaint Schedule Property. Hence, the Petitioner applied for some documents before Sub Registrar office and Government Office. Hence, he could not file the Written Statement in time. Now along with the above Petition, he his filing the Written Statement. The non-filing of Written Statement, is not willfull or wanton. Unless, the above Petition is allowed. The Petitioner will be put to irreparable loss and Injury.

3) The 1st Respondent had filed Counter stating that the Petition is not maintainable under Law and Facts. The first Plaintiff was examined as PW1. The case is posted for arguments. During such time, the above Petition has been filed, in order to protract the Case. Hence, the Respondent prayed for dismissal of the above Petition.

4) The Point for consideration whether, the above Petition is liable to be allowed or not?

5) Since, the Petitioner had stated he had filed application for getting documents from the Sub-Registrar Office and Government Office and as such, he could not file Written Statement and that he had filed the Written Statement along with the above Petition, this Court is of the considered view that the above Petition

could be allowed on terms.

In the Result, the above Petition is allowed on condition. The Petitioners pays a sum of Rs.750/- (Rupees Seven Hundred Fifty only) to the 1st Respondent/Plaintiff on or before 23.02.2025 call on 24.02.2025.

Dictated to the Typist, and typed by him, corrected and pronounced by me, in open court this, the 4th day of February, 2025.

I Additional District Munsif,
Nagercoil.

Petitioner side witnesses and documents : Nil.

Respondent side witnesses and documents : Nil.

I Additional District Munsif,
Nagercoil.

I ADM, Nagercoil
Draft/Fair Order
I.A.No.2/2024 in
O.S.No.50/2022
Date: 04.02.2025

**IN THE COURT OF THE I ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present: Thiru. R. Sundara Kamesh Marthandan, M.L.,

I Additional District Munsif, Nagercoil
Tuesday, on the 4th day of February 2025

I.A. No. 463 of 2017

in

O.S. No. 438 of 2008

(CNR No: TNKK04-000067-2008)

1. Iyyemperumal Chettiar

2. Iyyappan

3. Subramony

... Petitioners / Proposed Addl.
Plaintiffs 2 to 4

-vs-

1. Nainar Thevar

2. V. Sorna Latha

3. Kalaimakal

4. Arumugam Pillai

5. V.Arunachalam

6. Kavitha

7. V. Revathi

... Respondents / Proposed
Addl. Defendants 3 to 8

This Petition came before this Court today i.e. 04.02.2025 for final hearing in the presence of Mr. C.Victor Sam, Advocate for the Petitioner / **Plaintiff**, Died for R1 and Mr.M.Parameshwaran, Advocate for R5, Set as exparte for R2 to R4,R6,R7. Upon hearing both sides and upon Perusing the case records, this Court hereby delivers the following:

ORDER

1) The Petitioners had filed the above Petition Under Order VI Rule 17 and

Section 151 Code of Civil Procedure, seeking and order Permitting the Petitioner to Amend the Plaint as follows:

In Paragraph 17 of the Relief Column of the Plaint following relief may be added.

B) A decree for Permanent Injunction restraining the Second Defendant and their men from interfering with the poojas, festivals and ceremonies of the Plaintiff temple Periya Thamburan Kovil.

C) A decree for Permanent Injunction restraining the Second Defendant and their men from restricting the entry of Devotee to the Plaintiff Temple Periya Thamburan Kovil.

2) The Petitioner has stated he had filed the above Suit, seeking Permanent Injunction. The Second Defendant is disturbing the Pooja's of the Plaintiff Temple and restricting the entry of Devotee to the Temple. Hence Additional Prayer is necessary. For the Additional Prayer, Court fee Column has to be amended. Not asking for Second Prayer earlier, is not wilfull. It is by oversight. Hence the above Petition.

3) The Second Resondent has filed counter and the first respondent had filed adoption memo. The Respondents have stated that the above Petition is not maintainable. Earlier, Petitioner filed I.A.No.9 of 2022 seeking Amendment. The same was allowed. The Petitioner's Interim Injunction Application I.A.No. 3 of 2022 was dismissed. The Petitioner' Civil Miscellaneous Appeal No. 4 of 2024 was also dismissed. After filing of Written Statement, Issues were framed and Suit is posted for Trial. The Petitioner without making any pleadings, for cause of action, for the Second Prayer, had filed the above Petition, with intent to prolong the above Suit. There is no necessity to file the above Petition. The Petition is devoid of merits. Hence, the Respondents prayed for dismissal of the above Petition.

4) The Respondent have not filed Counter. Hence, they were set exparte.

5) The Point for consideration whether, the above Petition is liable to be allowed or not?

6) In the above suit, the Petitioner had sought for Permanent Injunction against the Defendants. Now by way of the proposed amendment, the Petitioners seeks to crystallise the Suit Prayer, against the Second Defendant i.e. to restrain the 2nd Defendant from preventing the devotees, from coming to temple. The proposed amendment will not change the nature of the Suit. Hence the same could be allowed. However, as the suit is of the year 2002 and the Petitioner had come up with the above Petition, during the year 2024, this Court is of the considered view that the above Petition could be allowed on terms.

In the Result, the above Petition is allowed on condition the Petitioner pays a sum of Rs.1,000/- (Rupees One Thousand only) to the Respondents on or before 26.02.2025 call on 27.02.2025.

Dictated to the Typist, and typed by him, corrected and pronounced by me, in open court this, the 4th day of February, 2025.

I Additional District Munsif,
Nagercoil.

Petitioner side witnesses and documents : Nil.

Respondent side witnesses and documents : Nil.

I Additional District Munsif,
Nagercoil.

Draft/Fair Order
I.A.No.463/2017 in
O.S.No.438/2008
Date: 04.02.2025
I ADM, Nagercoil

I.A. No. 463 of 2017 in

O.S. No. 438 of 2008

Dated: 04.02.2025

I ADM
Nagercoil

**IN THE COURT OF THE I ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present: Thiru. R. Sundara Kamesh Marthandan, M.L.,

I Additional District Munsif, Nagercoil

Tuesday, on the 4th day of February 2025

I.A. No. 464 of 2017

in

O.S. No. 438 of 2008

(CNR No: TNKK04-000067-2008)

1. Iyyemperumal Chettiar

2. Iyyappan

3. Subramony

... Petitioners / Proposed Addl.
Plaintiffs 2 to 4

-vs-

1. Nainar Thevar

2. V. Sorna Latha

3. Kalaimakal

4. Arumugam Pillai

5. V.Arunachalam

6. Kavitha

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... Respondents / Proposed
Addl. Defendants 3 to 8

This Petition came before this Court today i.e. 04.02.2025 for final hearing in the presence of Mr. C.Victor Sam, Advocate for the Petitioner / **Plaintiff**, Died for R1 and Mr.M.Parameshwaran, Advocate for R5, Set as exparte for R2 to R4,R6,R7. Upon hearing both sides and upon Perusing the case records, this Court hereby delivers the following:

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4) The Respondent have not filed Counter. Hence, they were set exparte.

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In the Result, the above Petition is allowed on condition the Petitioner pays a sum of Rs.1,000/- (Rupees One Thousand only) to the Respondents on or before 26.02.2025 call on 27.02.2025.

Dictated to the Typist, and typed by him, corrected and pronounced by me, in open court this, the 4th day of February, 2025.

I Additional District Munsif,
Nagercoil.

Petitioner side witnesses and documents : Nil.

Respondent side witnesses and documents : Nil.

I Additional District Munsif,
Nagercoil.

Draft/Fair Order
I.A.No.464/2017 in
O.S.No.438/2008
Date: 04.02.2025
I ADM, Nagercoil

I.A. No. 502 of 2016 in

O.S. No. 438 of 2008

Dated: 04.02.2025

I ADM
Nagercoil