

**IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF,  
NAGERCOIL.**

**Present : Tmt. M.Alima, B.A., L.L.M.,**

Principal District Munsif, Nagercoil.

Monday, on the 3th day of February, 2025.

**I.A. Nos.14 of 2024 in**

**O.S.No.93 of 2015**

1.S. Esakki (Died)

Addl. 2. E. Jaya

Addl.3. E. Subhashini

Addl.4. E. Suriya

... Petitioners / Plaintiffs

-vs-

1. Rajammal

2. S. Bala Subramanian

3. Swamikannu

4. Shanmuganathan

5. C. Muthuswamy

6. V. Geetha

7. M. Suresh Kumar

8. V. Sudha

9. S. Devendran (died)

10. S. Kalyana Sundari

11. D. Nagam

12. D. Pappa

... Respondents / Defendants

This petition came before this court on 30.01.2025 for a final hearing in the presence of Mr. SA. Kanagasabapathi Advocate for the Petitioners/Plaintiffs, and in the presence of Mr. N. Perumal Pillai Advocate for the 1 to 12 Respondents/defendants endorsed 'no counter' and 'no objection' and 1<sup>st</sup> Petitioner and 9<sup>th</sup> Respondent died and upon hearing both sides, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:

### **ORDER**

The petitioner have filed the above petition Under Order VI Rule 17 and Section 151 of the Code of Civil Procedure, seeking to allow the amendment petition to amend the plaint in the interest of justice.

#### 2) **Gist of Averments in the Petitioners/Plaintiffs Petitions :**

The Petitioner is the 4th Plaintiff representing all he plaintiffs/petitioners herein. The suit is for declaration that the impugned documents are null and void and for permanent injunction. The 9<sup>th</sup> defendant's Advocate had filed a memo stating that 9<sup>th</sup> defendant died on 14.07.2017. Now the case is posted for steps. The date of knowledge is on 10.10.2024. The 9<sup>th</sup> defendant's death has to be stated in the short cause of title and long cause title. So the amendment petition is highly necessary to amend the plaint appropriately, lest the petitioners will be put to irreparable loss and injury and irretrievable by any means. Under

the circumstances it is just and necessary that this Court to allow the amendment petition to amend the plaint in the interest of justice. Hence, this petition is to be allowed.

3) The Respondents Counsel endorsed “No Counter” and “no objection” in this petition.

4) The point for consideration is whether the above petitions have to be allowed or not.

5) Point:

Heard both sides. Records perused. The petitioners/Plaintiffs side memo filed stated that the 9<sup>th</sup> defendant died on 14.07.2017. The 9<sup>th</sup> respondent's legal heirs are 10, 11, 12 defendants already party in the suit. The 9<sup>th</sup> defendant's death has to be stated in the short cause of title and long cause title. So the amendment petition is highly necessary to amend the plaint appropriately, lest the petitioners will be put to irreparable loss and injury and irretrievable by any means. Therefore, this court opined that nothing would be prejudiced against the respondents if this petition was allowed. Further the Respondents counsel endorsed that “no objection”. Hence, in the interest of justice, this Court inclined to allow this petition on conditional cost.

6) As a result, this petition is allowed, without cost.

Dictated to the Steno-Typist, and typed by her directly in the Computer, corrected and pronounced by me, in open court this, the 3<sup>th</sup> day of February 2025.

Principal District Munsif  
Nagercoil.

Petitioners side witnesses and documents : Nil.

Respondents side witnesses and documents : Nil.

Principal District Munsif  
Nagercoil.

*Draft/Fair Order*  
*I.A.No.14/2024 in*  
*O.S.No.93/2015*  
*Date: 03.02.2025*

