

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

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

Principal District Munsif, Nagercoil.

Friday, on the 7th day of March, 2025.

I.A. Nos.18 of 2025 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 03.03.2025 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 1st Petitioner and 9th 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 Consequential 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 the plaintiffs/petitioners herein. The suit is for declaration that the impugned documents are null and void and for Permanent injunction. The 9th defendant's Advocate has filed a memo stating that 9th defendant died on 14.07.2017. Already S. Devendran's legal heirs have been impleaded as defendants 10 to 12 in the suit. On 10.10.2024 only the plaintiff side has gained knowledge regarding the demise of 9th defendant. The additional 9th defendant died has to be added in the short cause of title and long cause title. So, the consequential 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 consequential amendment petition to amend the plaint.

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

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

5) Point:

Heard both sides. On perusal of records, the previous amendment petition filed by this petitioners/plaintiffs the 9th defendant died has to be added in the short cause title and long cause title has been allowed by this Court as per order in I.A.No.14/2024 dated 03.02.2025.. Therefore, this court opined that nothing would be prejudiced against the respondents if this petition was allowed. Considering the said fact, this Court is inclined to allow this petition.

In the 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 7th day of March 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.18/2025 in
O.S.No.93/2015
Date: 07.03.2025

