

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

Present: Tmt. M.Alima, B.A., L.L.M.,
I Additional District Munsif, Nagercoil.

Saturday, on the 24th day of August, 2024.

I.A. No. 16 of 2024 in O.S. No. 146 of 2019

Bawa Jose

... Petitioner /Plaintiff

- Vs -

1. The District Collector
2. The Thasildar
3. The Anjugramam Town Panchayat
Rep.by its executive office
4. Addl.4.The Director of Health Forum,
Asaripallam.
5. Addl.5.Superintendent Engineer PWD,
Nagercoil

... Respondents/Defendants

This petition came before this court on 24.08.2024 for a final hearing in the presence of Mr. A.Jegan Lall, Advocate for the Petitioner/Plaintiff, and Mr. C.Johnson, Government Pleader for the 1st to 3rd Respondent . 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 had filed the above petition under Order 6, Rule 17, and Section 151 of the CPC, seeking to amend the plaint.

1) Gist of the Averments in the Petitioner/Plaintiff's Petition:

The petitioner stated that the plaintiffs filed a suit for an declaration and injunction. The petitioner filed an applications to implead the Addl.4.The Director of Health Forum, Asaripallam and Addl.5.Superintendent Engineer PWD, Nagercoil in I.A.No.10 of 2020 and I.A.No.13 of 2020 that have been allowed on payment of cost to the respondent on 29.04.2022. Hence, in order to amend the name of Addl.4.The Director of Health Forum, Asaripallam and Addl. 5. Superintendent Engineer PWD, Nagercoil as an additional 4th and 5th defendants in this case, the plaint is to be amended according to the version; if it is not amended, the petitioner will be put into irreparable loss and hardship.

2) Gist of the Averments in the 1st to 3rd Respondent's Counter:

All the averments contained in the petition, except those that are specifically admitted or otherwise dealt hereunder shall be deemed to be denied by this respondent. The petition is not maintainable either in law or on facts. The petition lacks bonafide and is liable to be dismissed. The petition filed by the petitioner is belated one and was filed with the intention to prolong the suit proceedings. The petitioner has not to come forward with clean hands. The petitioner filed this petition for fill up lacuna. Hence, the respondents prayed to accept the counter and dismissed the petition with cost and render justice.

3) The point for consideration is whether the above petition has to be allowed or not?

4) Point:

Heard both sides. On perusal of records, the previous impleading petition filed by this petitioner/plaintiff to implead the Addl.4.The Director of Health Forum, Asaripallam and Addl.5.Superintendent Engineer PWD, Nagercoil has been allowed by this Court on 29.04.2022. Therefore, this court opined that nothing would be prejudiced against the respondents if this petition were allowed. Considering the said fact, this Court inclines to allow this petition.

5. 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 24th day of August, 2024.

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.16/2024 in
O.S.No.146/2019
Date: 24.08.2024
I ADM, Nagercoil.