

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

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

Wednesday, on the 05th day of June, 2024.

I.A. No. 7 of 2023 in O.S. No. 154 of 2020

1.M.Alphonse

2.I.Selvakumar

3.T.Thanganadar

4.T.Dharmalingam

5.Mrs.Thai Nadachi

Addl.6.T.Pushpam

Addl.7.T.Selvarajan

Addl.8.T.Suresh Kumar

Addl.9.T.Thanga Arasu

... Petitioners /Plaintiffs and proposed
Additional Plaintiffs 6 to 9

-vs-

1.R.Ponnaiah

2.P.Chenthil Murugan

3.P.Mahendrakumar

...Respondents / Defendants

This petition came before this court on 24.04.2024 for final hearing in the presence of Mr. M.Mohamed Farook, Learned Counsel for the Petitioners/Plaintiffs

and proposed Additional Plaintiffs 6 to 9 and Mr.Bala Janathipathi, Learned Counsel for the 1st to 3rd Respondents/ 1st to 3rd Defendants and the Respondents Advocate endorsed no counter. 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 CPC, seeking to permit the petitioner to amend the plaint as below as per order in I.A.No.5 of 2022, dated 20.07.2023 and thus render justice.

1) Gist of Averments in the Petitioners Petition :

The petitioners had stated that, the petitioner was the 3rd plaintiff's legal heir in this case and 2nd Petitioner herein and this affidavit is filed for himself and for other legal heirs of 3rd Plaintiff who are his brother's and his mother. The suit is for a permanent injunction regarding a 12 feet passage therein. That 3rd Plaintiff is also one of the person who signed in the agreement for passage in the plaint schedule property. On 18.01.2022 the 3rd Plaintiff T.Thanganadar died leaving behind his three sons and his wife as his legal heirs. As such the death of the father the 3rd Plaintiff has to be recorded and himself and his mother and his two brothers has to be impleaded as the legal representative of the 3rd Plaintiff as Additional Plaintiffs 6,7,8 and 9. The petitioner filed a petition as I.A.No.5/2022 and it was allowed on 20.07.2023. As such the consequential amendment petition is necessitated. In the interest of justice the petitioner may be permitted to make an amendment in the long and short cause title

as stated in the petition. If the consequential petition is not allowed irreparable loss will happen to the petitioner. Hence in the interest of justice (1) T.Pushpam (2) T.Selvarajan and his brother's (3) T.Suresh Kumar and (4) T.Thanga Arasu be impleaded as the legal representative of the 3rd plaintiff as Additional Plaintiffs 6 to 9 in the suit and the short and long cause title be allowed to carryout accordingly and render justice. Hence, the petition is to be allowed.

2) The Respondents' counsel endorsed no counter in this petition.

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 in I.A. No.5/2022 was filed by the petitioners/plaintiffs, seeking to record the death of the 3rd plaintiff T.Thanganadar and to implead the legal representative of 3rd plaintiff (1) T.Pushpam, (2) T.Selvarajan, (3) T.Suresh Kumar and (4) T.Thanga Arasu as additional plaintiffs 6th to 9th in the suit, have been allowed by this Court on 20.07.2023. Therefore, this court opined that nothing would be prejudiced against the respondents if this petition is 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 05th day of June, 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. 7/2023 in
O.S.No.154/2020
Date: 05.06.2024
I ADM Court, Nagercoil.