

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

Present: Thiru. R. Sundara Kamesh Marthandan, M.L.,
I Additional District Munsif, Nagercoil.

Wednesday, on the 13th day of November, 2024.

E.A. No. 7 of 2024

in

E.P. No. 74 of 2013

CNR. No. TNKK04000394-2013

in

O.S. No. 154 of 1971

1. Elizabeth Sarojini
2. Jane Chandra Vathana
3. Suresh Kumar (died)
4. Priyadharsini (died)
5. Premila Milbeth Suguna
6. H. Nirmala Sundaravathana (died)
7. Paulpillai
8. Arun Paul
9. S. Saju Amos
10. S. Viju Amos

... Petitioners/Petitioners

-vs -

1. James Raju
2. Y. Pichai (died)
3. S. Bagavathi (died)
4. M. Amarthaiya (died)
5. P. Sudalai Mani (died)

6. M. Salamon Barnabas
7. D. Anbaiya
8. Y. Rajamani (died)
9. State of Tamilnadu rep.by
District Collector,
Kanyakumari District.
10. S. Swaminathan (died)
11. Hariharan
12. Mathu
13. Yesudhas
14. Subbaiah
15. Vettumperumal
16. Rajan

...Respondents/Respondents

This Petition came before this Court on 6.11.2024 for final hearing. Mr. T.K. Mahesh, Learned Counsel for the Petitioners 1,2,5,7, 8, 9 & 10. Petitioners 3,4 & 6 Died. Respondents 2,3,4,5,8 & 10 Died. Respondents 1, 6, 7, 9, 11 to 16 were set exparte and Upon perusing the case records and having stood over till date for Consideration, this Court hereby delivers the following:

ORDER

1. The Petitioner had filed the above Petition under Order VI Rule 17 and Section 151 Code of Civil Procedure seeking an order to amend the E.A. No. 6 of 2024.

2. The Petitioner had stated that the 3rd Petitioner in the E.A. No. 126 of 2013 namely Suresh Kumar had died. The Petitioner had filed E.A. No. 6 of 2024 to

implead his legal heirs as 9th and 10th Petitioners. However in the cause title of E.A. No. 6 of 2024 the name of the 3rd Petitioner Suresh Kumar, 4th Petitioner Priyadarshani, 6th Petitioner Nirmala sundaravathana and their address was not mentioned, the same had occurred inadvertently. Hence the Petitioner craved leave of the Court to amend E.A. No. 6 of 2024 by incorporating those particulars. Hence the above Petition.

3. The Respondents 1, 6, 7, 9, 11 to 16 have not filed counter. Hence set exparte.

4. The point for consideration is Whether the above Petition has to be allowed or not ?

5. On perusal the names namely Suresh Kumar, Priyadharsini and Nirmala Sundaravathana is found place in the original Execution Petition, as it is said by way of inadvertence, it has been left out from being mentioned. The Petitioner is entitled for the Petition relief, for the reason only upon incorporating the said name and address, the particulars in the said Petition will become complete.

In the result, the above Petition is allowed.

No cost.

Dictated to the Steno-Typist, transcribed and typed by her in Computer, corrected and pronounced by me, in Open Court this, the 13th day of November, 2024.

Sd/-
I Additional District Munsif,
Nagercoil.

Petitioners' side witnesses & documents : Nil.

Respondents' side witnesses & documents : Nil.

Sd/-

I Additional District Munsif,
Nagercoil.

*I ADMCourt, Nagercoil.
Draft/Fair Order in
E.A.No.7/2024 in
E.P.No. 74/2013 in
O.S.No.154/1971
Date:13.11.2024*