

**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 18<sup>th</sup> day of September, 2024.

**I.A. No. 8 of 2024 in O.S. No. 348 of 2015**

T. Chithambara Vadivoo (died)

W/o. Late.K. Murugesu Pillai.

Addl.P2. M.Gopi

... Petitioner /Plaintiff

- Vs -

1. B.Pitchai Pillai (died)

2. Chellappa Pillai

3. Vellammal

4. Bagavathy Perumal

5. Subramania Pillai

6. Meenakshi

7. Nagarajan

... Respondents/Defendants proposed

parties 3 to 7

This petition came before this court on 12.09.2024 for a final hearing in the presence of Mr. S.Subramaniam, Advocate for the Petitioner/Plaintiff and 1<sup>st</sup> respondent died, Mr. T.Sriram, Advocate for the Respondent No. 2 to 6/Defendant No.2 to 6 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 had filed the above petition under Order 6, Rule 17 & 18, and Section 151 of the CPC, seeking to be pleased to allow the petitioners to carry out necessary amendments in the party array, in particular the proposed parties as Additional Defendants 3 to 7.

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

The petitioner is the additional 2nd plaintiff in the suit and the petitioner was well conversant with the facts involved in the suit. In the suit the 1st defendant died on 26.04.2020 and necessary steps were taken to implead the legal heir of the 1st defendant in I.A.4/2020. The above application has come to be allowed after much effort. Thereby the impleading application was allowed on 04.07.2020 and ordered for taking necessary steps to bring them in the party array. In pursuance of the order passed in I.A.No.4/2020 the application to carry out amendment in the party array is necessary and just one. Under the above circumstances this Honourable court be pleased to allow the consequential application to carry out necessary amendments. That a separate application is filed giving necessary particulars in consonance with the impleading application.

### **2) Gist of the Averments in the Respondent's Counter:**

All the allegations stated in the petition except those that are hereinafter specifically admitted or otherwise dealt with are hereby deemed to be denied as not correct. The date of order in I.A.No.4/2020 is not correct. The petition amendment

portion is not correctly stated. In view of the matter, the petition is unsustainable and liable to be dismissed. Hence, the respondent prayed to accept the counter and dismissed the petition with cost.

**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 proposed parties as Additional Defendants 3 to 7 has been allowed by this Court on 04.07.2024. Therefore, this court opined that nothing would be prejudiced against the respondents if this petition was 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 18<sup>th</sup> day of September, 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.8/2024 in  
O.S.No.348/2015  
Date: 18.09.2024  
I ADM, Nagercoil.*