

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, KULITHALAI

Present : Selvi.A.Yugathymariya, B.Com, L.L.B.(Hons.,)

Additional District Munsif, Kulithalai.

Dated Thursday, the 18th day of December 2025

O.S No.138/2024 in I.A No.07/2025

Family Manager S.Chinnadurai

...Petitioner/Plaintiff

- Vs -

1) Chidambaram

2) President, Tharagampatti Panchayat,
Kadavur Taluk, Karur District.

3) The Assistant Engineer, (O&M),
Keelapaguthi Division, Chinthamanipatti,
Kadavur Taluk, Karur District.

4) Assistant Executive Engineer (O&M)
Chinthamanipatti, Kadavur Taluk, Karur District.

5) The Superintendent Engineer, Karur.

6) The Tahsildar, Kadavur

7) The District Collector, Karur.

...Respondents/Defendants

This petition has come up before this Court for final hearing on 27.11.2025 in the presence of Mr.R.Kiruba, the Learned Counsel appearing for the petitioner and in the presence of Mr.M.Rajesh Kumar, the Learned Counsel appearing for the Respondent No.1 and in the presence of the Government Pleader Mr.K.S.M.Sahul Hameed, the Learned Counsel appearing for the Respondents No. 2 to 7 and upon perusal of material records and having stood over for consideration till this day, this court delivers the following:

ORDER

This petition is filed by the Petitioner/Plaintiff under Order 6, Rule 17 of CPC in order to amend the plaint in the above suit.

2) On the side of the Respondents No. 2 to 7, the Learned Government Pleader had stated and endorsed that there is no counter for the Respondents No. 2 to 7.

3) It is the case of the Petitioner that the Petitioner is the Plaintiff in the above suit and the above suit has been filed against the Respondents/Defendants for the relief of permanent Injunction and other relieves. He further stated that in the meantime the office of the 2nd Respondent namely the President, Keelapakuthi Village, has expired and it is vacant now. Further, he contended that now the Executive Officer of the Village Panchayat has taken incharge for the same and hence, prayed that suitable amendment is necessary in this regard and sought this Court to permit the Petitioner to amend the plaint in the above suit for the very same reason.

4) Per contra, it is the major contention on the side of the Respondent No. 1 is that this petition filed by the Petitioner is unsustainable in law or on facts and this petition is liable to be dismissed in limine. Further, the 1st Respondent has alleged that the reasons stated by the Petitioner to amend the plaint in the above suit that the office of the 2nd Respondent has expired are all false and the same is liable to be proved by the Petitioner only. Moreover, the 1st Respondent has alleged that in order to drag on the proceedings in the above suit, this petition has been purposively filed by the Petitioner with such an intention and he also alleged that the amendment sought for in the above suit by the Petitioner is not a necessary one. Therefore, the 1st Respondent has prayed this Court to dismiss this petition on the ground that if this petition is allowed, the 1st Respondent will be put to irreparable loss and hardships.

5) There is no oral and documentary evidence adduced on either side.

6) Heard both sides. Perused records. Upon perusal of records, it is seen clear that the above suit has been filed by the Petitioner/Plaintiff against the Respondents/Defendants for the relief of Permanent Injunction against the Defendants and also for the relief of Mandatory Injunction against the 1st Defendant. Upon perusal of records, it is also seen that the Learned Government Pleader appearing for the Defendants No. 2 to 7 in the above suit has filed a memo before this Court stated that the office of the 2nd Defendant/ 2nd Respondent is no more now and the said office is now been handled by the Special Officer and Block Development Officer, Tharagampatti.

7) Therefore, on the basis of the said memo filed on behalf of the Defendants No. 2 to 7, this Court has directed the Petitioner/Plaintiff to take further steps to amend the plaint regarding the same and hence, this petition has been subsequently filed by the Petitioner/Plaintiff in this regard. This apart, in the above suit, upon perusal of the pleadings, it could be seen clear that the Petitioner/Plaintiff has levelled upon certain allegations against the 2nd Respondent/ 2nd Defendant though he has not specifically sought for any relief against the 2nd Respondent. This being so, as pointed out by the Learned Government Pleader, it is seen clear that the office of the 2nd Respondent namely the President, Tharagampatti Panchayat is no more now and his office remains vacant.

8) Admittedly, when the office of the President of the Village Panchayat remains vacant, it is the Executive Officer of such Panchayats who are called the Secretary for the Town Panchayats who remains the primary administrator and executive authority in charge of the President of such Panchayats. Moreover, the office of such Executive Officer is permanent and he is the permanent Executive Head, who is entrusted with management of records, the finance and implementation of Government Programs ensuring the Town Panchayat functions, during the vacancy of the President in Town Panchayats.

9) This being so, as the office of the 2nd Respondent namely the President, Tharagampatti Panchayat is now vacant, admittedly the Executive Officer of such panchayat will be the right person, who is handling the charge of the said post of the 2nd Respondent. This Court is also of the view that if at all the Executive Officer of such Panchayat has not been impleaded in the above suit, the allegations levelled upon by the Petitioner/Plaintiff against the 2nd Respondent and the dispute between the Petitioner and the 2nd Respondent/ 2nd Defendant in the above suit would remain unanswered at all. Moreover, there is no such specific objection made on the side of the 1st Respondent for allowing this petition. Therefore, this Court considers that the Executive Officer of such Panchayat has to be impleaded in the above suit in the place of the 2nd Respondent/ 2nd Defendant namely the President, Tharagampatti Panchayat for proper, effective and binding adjudication of the disputes between the parties. Therefore, this Court is of the view to allow this petition to meet out the ends of justice.

Result:

In result, with the above observations, this petition is allowed. The Petitioner/Plaintiff is permitted to amend the plaint in the above suit, thereby substituting the 2nd Respondent/ 2nd Defendant namely the President, Tharagampatti Panchayat with the Executive Officer, Tharagampatti Panchayat, in the above suit. No costs.

Dictated to my steno-typist, taken down by her in short hand and typed by her in the computer, corrected by me and pronounced by me in the open court on this the 18th day of December 2025.

**Additional District Munsif,
Kulithalai.**

Petitioner side witness and document - Nil.
Respondents side witness and documents - Nil.

**Additional District Munsif,
Kulithalai.**