

IN THE COURT OF THE DISTRICT MUNSIF, KUMARAPALAYAM

**Present: Selvi. T. Naveena B.com, LL.B (Hons.),
District Munsif,
Kumarapalayam.**

Friday the 07th day of November 2025

**IA No.05/2025
IN
O.S. No.83/2020**

R. Thulasi @ Thulasimani

...
/Vs/

Petitioner/Plaintiff

1. K. Kaliyannan (Died)*
2. K. Sakthivel
3. Sub Register,
Sub Register Office,
Kumarapalayam,
4. Indrani*
5. Radhika*

... Respondents/Defendants 1 to
3/Proposed Parties

This petition came for final hearing before this court on 30.10.2025 in the presence of Thiru. T. Dharmalingam, Advocate for the Petitioner/Plaintiff and Thiru. S. Senthilkumar, (Government pleader), Advocate for the 3rd Respondent/3rd Defendant and 1st Respondent/1st Defendant had died and 2nd Respondent/2nd Defendant had been set exparte and upon perusal of material records and having stood over for consideration till this date, this court delivers the following:

ORDERS

This petition has been filed under Order VI Rule 17 of Code of Civil Procedure

1. BRIEF FACTS OF THE PETITION WOULD RUN AS FOLLOWS:

The petitioner had filed the above suit for mandatory injunction. Pending suit, 1st defendant died on 06.04.2024 leaving behind the proposed parties as his legal heirs. Since the proposed parties, who are the legal heirs of the deceased 1st defendant, are necessary parties to the above suit, the proposed parties shall be added as defendants 4 and 5 in the above suit. The petition filed by the petitioner in

07.11.2025

I.A.No.4/2025 has been allowed by this court on 25.08.2025. In view of the above petition, it is necessary to amend the plaint as describe in the petition. The proposed amendment is consequential and thus, the plaint shall be amended accordingly.

2. BRIEF FACTS OF THE COUNTER STATEMENT OF THE 3RD RESPONDENT WOULD RUN AS FOLLOWS:

This respondent denied all the averments stated by the petitioner except those admitted as true. The respondent admitted that I.A.No:4/2025 was allowed by the court to add the legal heirs of the 1st defendant as defendants 4 and 5 to the above suit. The petitioner has not given any explanation in the petition affidavit for the amendments proposed in the petition. Since, this petition does not state sufficient reasons to allow this petition, this petition is liable to be dismissed.

3. ISSUES: Whether or not the proposed amendments be allowed to be made in the plaint of the above suit?

4. DISCUSSION:

Heard. Records perused. The petitioner has filed the above suit to direct the respondents 1 and 2 to rectify the S.No.183/1 as S.No.183/6J1 in the Sale deed dated 18.02.1983 and for Mandatory injunction to direct the 3rd respondent to register the said Rectification deed. The present petition has been filed by the petitioner to amend the plaint to add the legal heirs of the 1st defendant as defendants 4 and 5 of the above suit as per the order of the court in I.A.No:4/2025 dated 25.08.2025. The main contention of the respondents is that the petitioner has not stated the explanations for the proposed amendments in the affidavit.

From the perusal of the details of amendment mentioned in the present petition, this court observes that point Nos: 1 and 2 of the proposed amendment are the amendments to be made in the short and long cause titles of the plaint. The 3rd point of the proposed amendment is the removal of para 4 of the plaint stating that the plaintiff had approached the court to direct the defendants 1 and 2 to execute a

Rectification deed in favour of the plaintiff and to direct the 3rd defendant to register the same and the 4th point of the proposed amendment is to add para 4A to the plaint stating that the plaintiff had approached the court to direct the defendants 2, 4 and 5 to execute a Rectification deed in favour of the plaintiff and to direct the 3rd defendant to register the same. The 5th point of the proposed amendment is to remove the prayer column 1(i) stating to direct the 1st and 2nd defendants to execute a rectification deed in favour of the plaintiff and the 6th point of the proposed amendment is to add the prayer to direct the 2nd, 4th and 5th defendants to execute a rectification deed in favour of the plaintiff.

Thus, the proposed amendments are consequential amendments to the addition of defendants 4 and 5 as the parties to the suit and the amendments proposed to be made in the short cause title, long cause title, pleadings and prayer of the plaint are essential for effective disposal of the suit. The contention of the 3rd respondent that the petitioner has not provided any explanation in the petition affidavit for the amendments proposed in the petition is not sustainable to dismiss this petition. This court is inclined to allow this petition since the proposed amendment is only consequential. Therefore, in the interest of justice and the proposed amendment being a consequential one, this court is of the opinion that the petitioner must be allowed to amend the plaint as proposed in the petition.

In the result, this petition is ALLOWED. No costs.

Dictated by me to the Steno-Typist and has been typed in the computer directly, corrected and pronounced by me in the open Court on 07th day of November 2025.

District Munsif,
Kumarapalayam.

07.11.2025

PETITIONER SIDE DOCUMENTS:

Nil

RESPONDENT SIDE DOCUMENTS:

Nil

District Munsif,
Kumarapalayam.

Fair Orders

I.A. No: 5/2025 IN

O.S. No: 83/2020

Dated: 07.11.2025