

I.A.No.6/2024

in

O.S.No.43/2018

D.D.05.12.2024:

Order Pronounced.

This application is filed U/O.6 Rule 17 and Sec.151 of CPC to make amendment in the plaint.

2. The petitioners/plaintiffs contended that the suit is for partition. The petitioners/plaintiffs has filed a petition to implead the subsequent purchasers namely Jeyaraman, Nasardeen, Parveen, Duraisamy and Mahadevan who had purchased the properties on 12.05.2014, 29.05.2014, 17.09.2014 and 26.06.2017 and the same has been allowed and those persons were already impleaded as 7 to 11 defendants in the suit. In consequence of the impleadment, the petitioners/plaintiffs has filed amendment petition in I.A.No.4/2022 and the same was allowed on 08.09.2022. At the time of filing amendment petition, they have stated all the details about the alleged sale deeds dated 12.05.2014, 29.05.2014,

17.09.2014 and 26.06.2017 and it is invalid document, non-est law and it is not binding the plaintiffs share and also the sale deeds were to be declared as null and void. But while filing the amendment application, they have not made necessary relevant amendments in the valuation para and prayer para regarding the declaration of those sale deeds as null and void. Thereby the petitioner has now come forward with the present amendment application and the proposed amendments will not alter the nature of the suit.

3. The perusal of I.A.No.3/2019 and the amendment petition in I.A.No.4/2022 which were allowed reveals that the subsequent purchasers were already added as 7 to 11 defendants and documents were also narrated in the amendments. But the plaintiffs has failed to make relevant amendments in the valuation para and the prayer para. Without making necessary

amendments in the valuation and prayer paragraph, the petitioners/plaintiffs may not get the relief as prayed for if they could prove their case. Therefore, this amendment sought for ought to have been made earlier at the time of filing in I.A.No.4/2022.

4. In the counter, the respondents/defendants contended that the newly added 10th defendant Duraisamy was died on 29.09.2014 and memo was also filed before the Court on 22.07.2024. The suit was dismissed as against the 10th defendant as abated. But the said version was not noted by the petitioners/plaintiffs in the amendment petition and in this aspect, this petition has to be dismissed.

5. The perusal of the docket entry, it is clear that on 22.07.2024 the suit was dismissed as against the 10th defendant as abated. The petitioners/plaintiffs has to take necessary steps to amend the cause title by narrating 10th defendant as died and they have to implead the legal heirs of the 10th

defendant if they are available. Therefore, the petitioners/plaintiffs are now conducting the suit against the dead person namely 10th defendant. Therefore, this Court also directs the petitioners/plaintiffs to take steps to make necessary amendments with regard to the 10th defendant also. However, the said amendment may not be brought in this petition and they have to file a separate petition regarding the amendment with regard to the 10th defendant and there are no other valid reason to refuse the prayer sought for. Hence this petition has to be allowed.

6. In the result, this petition is allowed. No cost.

Principal District Judge,
Perambalur.

