

**In the Court of District Munsif, Mudukulathur**

**Present : Ms.J.C.Aparna, B.A, L.L.B.,**

**District Munsif,**

**Mudukulathur.**

**Wednesday the 4<sup>th</sup> day of June 2025**

**E.A.No.2/2025**

**in**

**E.P.No.2/2021**

**in**

**O.S.No.21/1991**

C.Ramaiah

..... Petitioner/Plaintiff

*/VS/*

1. Kumaravelu (Died)
2. K.Rajaiah
3. K.Pooranam
4. C.Chellathai
5. K.Lakshmi
6. S.Selvakumari
7. S.Gandhimathi
8. K.Santhanakumar
9. K.Manickam
- 10.Selvarani
- 11.R.Pothumponnu
- 12.R.Charles @ Sarathkumar
- 13.Minor.R.Puvaneshwari

..... Respondents/ Defendants

This petition came on 24.04.2025 before this court for a final hearing in the presence of Thiru.K.Umasankar, Learned Counsel for the Petitioner/Plaintiff and Thiru.K.Senthoor, Learned Counsel for the Respondents/Defendants and upon hearing both sides arguments and upon perusing the material records and having stood over till this day for consideration, this court delivered the following:

## **ORDER**

This petition has been filed under Order 32 Rule 12(1) CPC to declare the 13<sup>th</sup> respondent as major.

### **2. The contention of the Petitioner/Plaintiff in brief:-**

The petitioner is the plaintiff in the original suit. This execution petition is posted for filing counters on the side of the respondents. It is stated that the 13<sup>th</sup> respondent is a minor and a memo stating the same has been filed before the court stating that the date of birth of the minor is 12.05.2006. Hence this petition to declare the 13<sup>th</sup> respondent as a major and prays to allow the petition.

### **3. Brief averments of the Respondents/Defendants in brief:**

The respondents deny the averments in the petition. It is stated that even though the petitioner knew about the fact that the 13<sup>th</sup> respondent has turned major, he has belatedly filed this petition. Hence prays to dismiss the petition.

### **4. Point for consideration:-**

The question to be decided is whether the petition can be allowed ?

No documents filed on either side. Heard both sides.

### **5. Answer to the Point:-**

From the perusal of the records, it is seen that the 13<sup>th</sup> respondent was a minor at the time of the filing of the original suit and at the time of the filing of the vakalat for R13, a memo was filed along stating that the minor has attained majority and the Transfer Certificate was filed along at the request of the petitioner counsel. The court is satisfied that the 13<sup>th</sup> respondent is a major from the perusal of the transfer certificate. The contention taken by the respondent counsel that the petition was filed belatedly has no relevance. It is not a duty cast upon the plaintiff to declare the minor defendant as major since unlike the plaintiff, the defendant has no choice to withdraw from the suit once he/she attains majority. Hence, the petition is allowed.

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

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 4<sup>th</sup> day of June 2025.

**District Munsif,  
Mudukulathur.**

**Both sides witnesses and documents : Nil**

**District Munsif,  
Mudukulathur.**

