

IN THE COURT OF THE DISTRICT MUNSIF, SANKARI

Present: Tmt. R. ELAMATHI, B.A., B.L.,
District Munsif, Sankari

Tuesday, the 17th day of February, 2026

திருவள்ளூர்வாராண்டு 2056, விசுவாவசு வருடம், மாசி திங்கள் 05-ம் நாள் செவ்வாய்கிழமை

I.A.No.9/2025 in I.A.No.7/2025 in O.S.No.44/2010

&

I.A.No.10/2025 and I.A.No.8/2025 in O.S.No.44/2010

For the Villagers and Publics of Pullakavandampatty

Agraharam Giramam, Puliampatty, Govindankaattuvalasu,

Bathrakaliamman Temple by its Oor. Gounder K. Venkatachalam

... Petitioners / Plaintiffs

//Versus//

1. A. Perumal

2. P. Saravanan

3. Panchayat President,
Pullagoundampatti Agraharam Village.

4. Rural Development Officer, Sankari

5. Tashildar, Sankari.

6. The Revune Divisional Officer, Sankari.

7. The District Collector, Collectrate, Salem. ... Respondents / Defendants

These Petitions came up for final hearing before me in the presence of Thiru. S.Murugesan Advocate for Petitioner and Tmt.A.Kalaichelvi Advocate for 2nd Respondent and Thiru. R. Arul Prakash Advocate for Respondents 3 to 7 and made an endorsement as “ No Counter” and R1 was died and upon perusing both side pleadings and records and having stood over till this day for consideration and this court passed the following:

COMMON ORDER

I.A.No.9/2025 in O.S.No. 44/2010

This Interlocutory Application has been filed by the Petitioner Under Order VI Rule 17 of CPC to amend the I.A.No.7/2025 Petition.

I.A.No.10/2025 in O.S.No. 44/2010

This Interlocutory Application has been filed by the Petitioner Under Order VI Rule 17 of CPC to amend the I.A.No.8/2025 Petition.

2) The Gist of the Petitions in I.A.No.9/2025 & I.A.No.10/2025:-

2.1) The Petitioner submits that he has filed a Petitions under Order 1 Rule 8 to permit him to file a petition on representative capacity in I.A.No.7/2025 and seeking to implead himself as a party to the proceedings and to conduct the case in I.A.No.8/2025. The said Petitions in I.A.No. 7/2025 and I.A.No.8/2025 are presently pending. During the pendency of the petitions, the learned counsel for the 2nd Respondent has filed a memo before this Court stating that the 1st Respondent/ 1st Plaintiff, namely A.Perumal, has died. In view of his demise, it has become necessary and proper to amend the cause title in Petition I.A .No. 7/2025 and I.A.No.8/2025 by bringing on record the legal heirs of the deceased 1st Respondent, A. Perumal, as detailed in the accompanying petitions. He further submit that in the absence of such amendment, he will be put to serious hardship and irreparable loss. It is therefore prayed that this Court may be pleased to permit to amend in the Petitions in IA.No. 7/2025 and I.A.No.8/2025 by incorporating the amendment as set out in the petitions and thus render justice.

3)The Brief Averments of the Counter filed by 2nd Respondent in I.A.No.9/2025 and I.A.No.10/2025

3.1) The Respondent alleges the petitions are false, frivolous, vexation not maintainable either in law or on facts

3.2) The Respondent does not admit any of the allegations made in the petitions except those that are specifically admitted herein and the petitioner is put to strict proof of the same.

3.3) The Respondent contends that the petitions is not maintainable since the Petitioner has not filed any petition to implead the legal heirs of deceased perumal. Without filing necessary application to implead the legal heirs of deceased 1st Respondent Perumal this petition is not maintainable and liable to be dismissed in limine.

3.4) The Respondent opposed that the particulars of amendment do not contain proper particulars and it is vague. Even in the cause titles in the petition it is not properly addressed and particulars are not given. This Respondent submits in the long cause title and short cause title the particulars are not given in a proper form and this petition ought not to have been taken on file. Without impleading the legal heirs this application for amendment is highly vexatious and liable to be dismissed .

3.5) The Respondent submits that proper applications to implead the legal heir of deceased Perumal, set aside abatement and under limitation act are necessarily to be filed before ever filing this amendment petitions. Hence this petitions are devoid of merits. Therefore, this Respondent prays that this Court to dismiss the petitions with cost and thus render justice.

4) Points for Consideration:-

Whether the Petitioner/Plaintiff is entitled for the relief as prayed for?

5) No oral and documentary evidences were adduced on both sides.

6) This Interlocutory Applications has been filed by the Petitioner, who is a third party to the suit and whose applications under Order 1 Rule 8 to permit the Petitioner to file a petitions on representative capacity and Order I Rule 10 CPC seeking impleadment is pending consideration in I.A.No.7/2025 and I.A.No.8/2025. By way of the present petitions, the petitioner seeks amendment of his Order1 Rule 8 and Order I Rule 10 applications so as to incorporate the subsequent developments relating to the death of the 1st Plaintiff and the bringing on record of his legal heirs. The case of the Petitioner in brief as during pendency of suit O.S.No. 44/2010 , this Petitioner has filed a two Interlocutory Applications. One is Order 1 Rule 8 to permit him to file on representative capacity i.e I.A.No.7/2025 and another one is to implead him in the suit i.e I.A.No. 8/2025 , meanwhile the learned counsel for the 1st and 2nd Respondents informed this Court, by way of a memo that the 1st Respondent / 1st Plaintiff, A. Perumal died. Due to his death, it has become necessary to amend the cause title in I.A.No. 7/2025 and I.A.No. 8/2025, by bringing on record the legal heirs of the deceased, as detailed in the accompanying petition. Per contra the respondent contends that the petition is false, frivolous, vexatious and not maintainable either in law or on facts. The petitioner has not properly complied with the procedural requirements relating to substitution of legal heirs. Further alleges that without filing necessary and proper applications, including those relating to impleadment of legal heirs, setting aside abatement and limitation, the present petition is not maintainable. Furthermore he opposed that the particulars furnished in the amendment petition are vague and defective, and even the cause title is not properly drafted. Therefore the Respondent contends that the present petition is liable to be dismissed in limine with costs.

6.1) Upon careful consideration of rival contentions of both sides, on perusal of material records this court seen that the objection regarding maintainability cannot be sustained in the present factual matrix. In the present case in hand, the petitions Under Order XXII Rule 3 CPC has already been filed in I.A. No. 5 of 2024 and has been allowed on 20.02.2024 and the subsequent amendment petitions has been filed Under Order VI Rule 17 CPC in I.A. No.6 of 2024 and has been allowed on 22.03.2024, the substitution of legal representatives stands legally recognised and incorporated in the suit records. Any interlocutory application pending thereafter must necessarily reflect the correct and updated array of parties. If the cause title in the third-party Petitioner's application Under Order 1 Rule 8 and Order I Rule 10 does not correspond with the amended cause title in the suit, procedural inconsistency would arise. The amendments sought in I.A. No's.9/2025 and I.A. No.10/ 2025 are therefore only consequential amendments, intended to align the pleadings with the existing judicial record. They are ancillary to and flow directly from the earlier orders passed by this Court. Further it is well settled that Courts are empowered to permit consequential amendments to avoid multiplicity of proceedings and to ensure that pleadings reflect the true and correct position. The amendments sought neither prejudice the Respondents nor alter the nature of the pending impleading petition. On the contrary, refusal to permit such Consequential amendment would lead to technical objections and procedural complications, which are contrary to the spirit of procedural law intended to advance justice. Based upon the discussion made above this Court finds that the legal heirs of the deceased 1st Respondent / 1st Plaintiff have already been brought on record by order dated 20.02.2024 in I.A. No. 5 of 2024 under Order XXII Rule 3 CPC and the plaint has already been amended by order dated 22.03.2024 in I.A. No. 6 of 2024 Under Order VI Rule 17 CPC. The present amendments sought

in I.A. No's. 9 and 10 of 2025 are purely Consequential in nature. This court is of considered opinion as no new relief or cause of action is introduced and no prejudice will be caused to the Respondents by allowing these Applications.

I.A.9/2025 :-

In result , this Interlocutory Application is allowed. No cost.

I.A.10/2025 :-

In result , this Interlocutory Application is allowed. No cost.

This Common Order directly dictated Steno-Typist and typed by her and corrected by me, and Pronounced in the Open Court in the 17th day of February 2026.

**District Munsif,
Sankari.**

Encl.:

Petitioner side Witnesses & Exhibits:- NIL

Respondents side Witnesses & Exhibits:- NIL

**District Munsif,
Sankari.**

District Munsif Court, Sankari.
Draft / Fair Common Order
I.A. 9/2025 and I.A.10/2025 in
O.S.No.44/2010
Date: 17.02.2026
