

IN THE COURT OF DISTRICT MUNSIF COURT, METTUR, SALEM DISTRICT

Present: **Thiru. M.Selvam, B.A., B.L.,**

District Munsif, Mettur

Monday, this the 27th day of April 2026

I.A.No. 28 of 2024

in

I.A.No. 27 of 2024

in

O.S. No. 83 of 2008

(CNR. No. TNSA17-000008-2008)

1. Lakshmi

2. Kamala

... Petitioners/Plaintiffs

/Versus/

1. Sundarajan (died)

2. Parimala (died)

3. Mani @ Saratha

4. Saroja

5. Chinnathayee

6. Kondri (died)

7. Sekar

8. The Commissioner, Nangavalli Panchayat

9. Munusamy

10. Sudha

11. Aravind

12. Madhammal

13. Muniammal

14. Thangammal

15. Rasukutti

...Respondents/Defendants

16. Aythammal

17. Ayandurai

18. Raji

19. Chinnapaiyan

20. Chinnathambi

21. Perumal

22. Ravi

23. Kamaraj

24. Ramesh

25. Manikandan

...Respondents/Proposed party

This petition came up before me for final disposal in the presence of Mrs. G. Malathi., B.A., B.L., the learned counsel for the petitioners/plaintiffs and Mr. B. Balamurugan., M.A., M.L., the learned counsel for the respondents 3 and 7 and Mr. P. Gopinath., B.Sc., B.L., the learned counsel for the respondents 17 to 19, 21 to 24. The respondents 1, 2 and 6 were died. The respondents 4, 5, 8 to 15 were set-exparte in the original suit proceedings. The respondents 16, 20 and 25 were set-exparte in the connected application in I.A.No. 27 of 2024. Enquiry heard and having stood over for my consideration till this day, this court passed the following:-

ORDER

Petition filed by the petitioners/plaintiffs to amend the petition in I.A.No. 27 of 2024 as set out in this petition.

1. Brief averments in the petition is as follows:

1.1.The petitioners/plaintiffs had filed an impleading application in I.A.No. 27 of 2024 and notice were also served to the proposed parties. Then the proposed parties 6 to 8 had filed a memo stating that the name of the proposed parties were differ as such the 3rd proposed party name is Rasannan and not Raji and the name of the 4th proposed party is Ramasamy and not Chinnapaiyan and the name of the 9th proposed party is Ramesh Kumar and not Ramesh and the name of the 6th proposed party is Seperumal and not Perumal. Hence, this petition is filed to amend the petition in I.A.No. 27 of 2024.

2. Brief averments in the counter filed by the 3rd respondent and adopted by 7th respondent is as follows:

2.1. The petitioners knows that they will not succeed in this case and hence, they were protracting the suit proceedings, which was filed in the year 2008. The petitioners are filing petition after petition with imaginary reasons and was already dragged on the proceedings for the past 18 years. The suit itself is filed to grab the

properties, which was purchased by the respondents. Since, the petitioners had tried to interfere with the possession of the respondents in their property, a suit for permanent injunction is filed by them and a decree is also obtained in their favour. The first appeal and the second appeal filed by the petitioners were also ended as against them.

2.2. The respondents had filed an application before the Hon'ble Principal District Court, Salem to try this suit along with the suit in O.S.No. 277 of 2017 on the file of Hon'ble Sub Court, Mettur and the same is still pending. When the suit was posted for trial, the petitioners had filed an application stating some properties were left out and on that basis, the plaint is also amended. Again and again, the petitioners had come forward with the same type of applications, which is not at all maintainable. Hence, this petition is liable to be dismissed.

3. The respondents 17 to 19, 21 to 24 had endorsed as no objection to this petition.

4. The respondents 4, 5, 8 to 15 were set-exparte in the original suit proceedings and the respondents 16, 20 and 25 were set-exparte in the connected application in I.A.No. 27 of 2024, hence notice was dispensed to them.

5. No oral and documentary evidence on either side.

6. Points for Consideration:

(i) Whether the amendment sought for in this petition has to be allowed or not ?

7. Both side rival submissions heard with regard to their respective pleadings and perused the materials on record. The I.A.No. 27 of 2024 was filed by the petitioners/plaintiffs to implead the respondents 16 to 25/proposed parties in the original suit proceedings. In the said proceedings, a memo was filed on behalf of the

of the proposed parties that the name of the 3rd proposed party is Rasannan and not Raji and the name of the 4th proposed party is Ramasamy and not Chinnapaiyan and the name of the 9th proposed party is Ramesh Kumar and not Ramesh and the name of the 6th proposed party is Seperumal and not Perumal. Hence, this petition is filed by the petitioners/plaintiffs to amend the same in the I.A.No. 27 of 2024.

8. The contesting proposed parties were endorsed as no objection to this petition. The 3rd and 7th respondents had filed their counter statement alleging that the petitioners herein are protracting the suit proceedings by filing petition after petitioner. The other contention raised in their counter statement is not relevant for consideration in this petition. Admittedly, since the name of the proposed parties were wrongly mentioned in the petition, the petitioners had come forward with this petition to amend the same. The alleged amendment is a necessary one in order to proceed the said impleading application in I.A.No. 27 of 2024. Hence, this petition cannot be dismissed on the allegation put forth by the respondents 3 and 7 that the petitioners/plaintiffs are protracting the suit proceedings. Therefore, in the interest of justice, this court is inclined to allow this petition with suitable direction.

In the result, this petition is allowed. The petitioners/plaintiffs is directed to carry out the amendment and to file the amended petition copy immediately without seeking any unwarranted adjournments. Considering the facts and circumstance of this case, there is no order as to costs.

This order is typed by me in my official laptop and corrected and pronounced by me in the open court on this 27th day of April 2026.

**District Munsif,
Mettur.**

Both side Witnesses and Documents: Nil

**District Munsif,
Mettur.**

**District Munsif Court,
Mettur**

I.A.No. 28 of 2024

in

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in

O.S. No. 83 of 2008

Fair Order

Dated: 27.04.2026