

**IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI**

**PRESENT: Thiru. A. DHARANIDHARAN, B.Sc., M.L., M.A., LL.M.**

District Munsif, Devakottai

Monday, the 24<sup>th</sup> day of March, 2021

**I.A. 964/2018**

in

**O.S. No. 114/2013**

1. Karupaiah (Died)  
S/o Sellan
2. Kaliasammal, 70/2019  
W/o Late. Karupaiah
3. Chellai 52/2019  
S/o Late Karupaiah
4. Lakshmi, 48/2018  
S/o Late Karupaiah
5. Murugesan, 47/2019  
S/o Late Karupaiah
6. Boominathan, 46/2019  
S/o Late Karupaiah
7. Sekar, 43/2019  
S/o Late Karupaiah

Petitioner/Plaintiff

Vs

1. Karupaiah 61/2019  
S/o Muthan
2. Thangavelu, 56/2017  
S/o Muthan,
3. Sornavalli, 66/2019  
W/o Vellaikannu
4. Vazhvandhal (Died)  
W/o Vellaikannu

5. Kaliasammal, 62/2019  
S/o Chidambaram

Respondents/Defendants

Vs

1. Vellaikannu, 70/2019  
S/o Kalimuthu

2. Karupaiah, 47/2019  
S/o Vellaikannu

3. Pandimeenal, 44/2019  
S/o Vellaikannu

4. Selvi, 40/2019  
D/o Vellaikannu

5. Panju, 30/2019  
S/o Vellaikannu

Proposed parties

These petitions having been finally heard on 18.03.2021 in the presence of Mr. N. Sekar, the learned counsel for the Petitioner/Plaintiff and Mr. N. Sankar, the learned counsel for Respondents/Defendants upon hearing the arguments of both sides and after perusal of the entire records and having stood over for my consideration till this day, this court delivers the following:

### **ORDER**

The petition was filed by Petitioner/Plaintiff under Order 6 Rule 16 and 17 and Sec 151 of Civil Procedure code, to amend the name in I.A. No. 964/2018 and shall proceed with the suit.

**2. The averments set out in the petition/affidavit filed by the petitioner is as follows:**

2.1 The Petitioner states that she is the Plaintiff of the Suit and the suit has been instituted for the relief of permanent injunction restraining defendants, their men, agents, servants from in any manner interfering with plaintiff's peaceful possession and enjoyment over the suit property.

2.2 The Petitioner further states that the fourth defendant Vazhvandhal died on 22/06/2017. The deceased Vazhvandhal has her husband Vellaikannu, sons Karupaiah, Panju, and daughters Pandimeenal, Selvi as legal heirs. The petitioner further states that it is necessary to add these legal heirs as proposed parties and shall proceed with the suit.

2.3 An application was filed to restore the dismissal of abatement in I.A. No. 964/2018 and the summons were served to the proposed parties. But the summon which had been served to the second defendant was unserved. Hence an application is hereby filed to amend the name of one of the proposed parties. It is identified that the deceased 4<sup>th</sup> defendant's son's name is Selvam and it has to be amended.

The respondents didn't raise any objection, instead endorsed that the petitioner may be allowed on terms.

**4. Now the point for consideration is whether the petitioner is entitled to get the relief as prayed for?**

5. No oral or documentary evidence was adduced on the side of the Petitioner/Defendants.

6. No oral or documentary evidence was adduced on the side of the Respondents/Plaintiffs.

7. Both the sides heard.

**In the Result, this Court is inclined to allow this application as the right to sue survives and it is just and necessary to amend and add the correct proposed parties from 6 to 10 in the suit.**

**In the result, this petition is allowed.**

This Order was directly typed by me in my official laptop, corrected by me and pronounced by me in the open Court on this the 24<sup>th</sup> day of March 2021.

**Sd./- A. Dharanidharan,  
District Munsif,  
Devakottai**

**Annexures:**

List of witnesses on the side of the Petitioner/Plaintiff  
NIL

List of documents on the side of the Petitioner/Plaintiff  
NIL

List of witnesses on the side of the Respondents/Defendants  
NIL

List of documents on the side of the Respondents/Defendants  
NIL

**Sd./- A. Dharanidharan,  
District Munsif,  
Devakottai**

**/ True Copy /**