

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

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

District Munsif, Devakottai

Friday, the 26th day of March, 2021

I.A. 03/2019

in

O.S. No. 121/2013

Azhagar, aged 67/2019

Petitioner/Plaintiff

Vs

1. Karupaiah 61/2019
S/o Muthan

2. Thangavelu, 58/2019
S/o Muthan,

3. Sornavalli, 66/2019
W/o Subbaiah

4. Vazhavanthal, 66/2019
W/o Vellaikannu

5. Kaliasammal, 62/2019
W/o Chidambaram

6. Vellaikannu 72/2019
S/o Kalimuthu

7. Karupaiah, 47/2019
S/o Vellaikannu

8. Pandimeenal, 44/2019

9. Selvi 40/2019
S/o Vellaikannu

10. Panju 30/2019
S/o Vellaikannu

Respondents/Defendants

These petitions having been finally heard on 17.03.2021 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. 3/2019 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 An application was filed to amend the son's name of the deceased 4th defendant as Selvam instead of Karupaiah.

The respondents didn't raise any objection, instead endorsed as no objection.

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 add the correct name of the 7th Defendant 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 26th 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.**

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