

IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS,
PERIYAKULAM.

Present: Tmt.S.Sameena, B.A. L.L.B.,
Additional District And Sessions Judge,
Periyakulam.

Friday, the 06th day of December 2024.

CNR.No.TNTH09 000032 2014

I.A.No.03/2024

- in -

O.S.No.24/2014

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1. Raja Gopalan S/o. N.Krishnasamy Naicker,
aged about 68 years Partners of
Sri Venus Textiles,
No.1 Shed SIDCO,
Madurai Road, Theni District.,
2. Raj Kumar S/o. K.Raja Gopalan,
aged about 35 years and Partners of
Sri Venus Textiles,
No.1 Shed SIDCO,
Madurai Road, Theni District.,
3. Saravanakumar S/o. K.Raja Gopalan,
aged about 33 years and Partners of
Sri Venus Textiles,
No.1 Shed SIDCO,
Madurai Road, Theni District.,

... Petitioners/
plaintiffs

// Vs. //

1. Thilaga W/o. N.K.Seenivasan,
aged about 60 years and residing at
Door No.43, Krishna Colony,

Coimbatore South, Coimbatore District.

2. Seenivasaga S/o. Venkidasamy,
Power of Attorney of S.Thilaga as 1st defendant
aged about 67 years and residing at
Door No.29/11, Gandhiji Road, N.R.T. Nagar,
Theni Taluk, Theni District.
3. Seenivasan S/o. N.Krishnasamy Naicker,
aged about 60 years and residing at
Door No.43, Krishna Colony,
Coimbatore South, Coimbatore District.

... 1st 3rd respondents/
defendants

This petition came up for hearing before me on 26.11.2024 in the presence of Mr.R.Kumar, Learned Counsel for the petitioners/plaintiffs and Mr.S.Ramaraj, Learned Counsel for the 2nd respondent/2nd defendant and upon perusing the petition and counters and upon hearing both sides and having stood over for consideration till this day, this Court delivered the following...

ORDER

This petition is filed by the petitioners/plaintiffs under Order 6, Rule 17 of CPC to amend the Plaint.

Heard both sides.

Point for consideration:

1. Whether the petition can be allowed ?

Point No.1.

The petitioners who are plaintiffs in the suit have filed this petition seeking to amend the Plaint on the ground that after filing of the suit, the 2nd defendant as Power of Attorney of the 1st defendant has executed a Sale Agreement in favour of one Logmani on 05.07.2017 and thereafter he executed a Sale Deed in favour of his own brother viz., V.Kannan after cancelling the Sale Agreement that was executed in favour of Logamani and the said Sale Deed executed in favour of the V.Kannan is a sham and nominal document and all these factors had to be added in the plaint.

The execution of Sale Deed dated 18.07.2017 in favour of Kannan and the cancellation of the Sale Agreement are admitted in the counter. Whether the said Sale Deed is valid or not is a matter to be decided at the time of trial. Now the plaintiffs seek to add certain factors relating to the execution of Sale Deed and cancellation of Sale Agreement in the Plaint. They also want to make consequential amendment in the prayer column. This court is of the considered view that the proposed pleadings will not change the nature and character of the suit. Therefore this court is inclined to allow this petition this point is answered accordingly.

In the result the petition is allowed. No cost.

Dictated by me, directly typed by Steno-Typist into computer, corrected and pronounced by me in the open Court, this the **06th day of December 2024.**

(Sd./- S.Sameena)
Additional District And Sessions Judge,
Periyakulam.

Document on the side of the Petitioners/plaintiffs:

Ex.P.1. - Petition of I.A.No.--/2022 in E.P.No.19/2022 in R.C.O.P.No.04/2015
of District Munsif Court, Theni, dated 19.09.2022.

Petitioners/plaintiffs side evidence: Nil.

Respondents/defendants side Nil.

Witness and Documents:

(Sd./- S.Sameena)
Additional District And Sessions Judge,
Periyakulam.