

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,  
TIRUVANNAMALAI.

PRESENT : Thiru.**P. Mathusuthanan**, B.A., B.L.,  
Principal District Judge,  
Tiruvannamalai

Monday, the 10th day of March - 2025

*I.A.No.06/2025 in O.S.No.60/2020*

1. Narayanasamy
2. Krishnamurthy
3. Sundramurthy
4. VEDIYAMMAL (died)
5. Sadaichiammal
6. Sakthivel
7. Palaniyammal
8. Selvi
9. Soundar
10. Sangeetha
11. Minor Vigneshwaran
12. Minor Lingeshwaran
13. Minor Supriya  
(11 to 13 represented by their mother 10th plaintiff)
14. Shanthi
15. Ishwariya
16. Vetrivel
17. Anbazhgi
18. Aandhakrishnan
19. Soundaravalli
20. Yogalakshmi

... Petitioners/ Plaintiffs

-Vs-

1. Rajamanickam
2. Saravanan
3. Rani
4. Amudha

5. Meena
6. Muthu (died)
7. Janaki ammal
8. Saroja ammal
9. Gunasekaran
10. Dhandapani
11. Palani
12. Suresh
13. Subash Chandra Boss
14. Aiyappan
15. Murugan
16. Kalaiselvi (Amended as per I.A.4/203 allowed on 17.8.2023)  
(Legal heirs of deceased 6th defendant Muthu)
17. Vijayalakshmi (Insane) (Amended as per I.A.4/203 allowed on 17.8.2023)  
(Legal heirs of deceased 6th defendant Muthu)  
(The insane proposed 17th respondent is  
represented by her brother Aiyappan 14th respondent)

... Respondents / Defendants

This petition has come up before me today (10.03.2025) for hearing in the presence of Thiru.S.Kannan, learned Advocate appearing for the petitioners and Thiru.R.Peter John, learned Advocate appearing for the 17th respondent and the defendants 1 to 4, 6, 8, 14 and 15 endorsed as no counter and the defendants 5, 7, 9 to 13, 16, 18 to 20 having remained exparate and upon hearing either side arguments and perusing entire case records and having stood over for consideration till this date, this court delivered the following...

### ORDER

The petitioners filed this petition under Or.6, Rule 17 of CPC., to amend the plaint as detailed in the petition mentioned particulars of amendments.

2) **Brief averments in the petition are as follows:**

The petitioners are the plaintiffs in the above suit. They have filed the present suit for directing the respondents/defendants to division of the suit properties into 8 equal shares and allot 6 such share to them and taking good and bad soil into consideration, appointing an advocate commissioner to divide the suit properties into 8 equal shares and allot 6 such share to them taking good and bad soil into consideration, directing the respondents/defendants to put the possession of 6 shares in the suit properties, if the defendants fail to do so, the suit properties, may be delivered to the plaintiff 6 share through the process of this court free from the obstructions of the defendants.

After the filing of the above suit the respondents received the court summon and they have filed their vakalath through their counsel Mr.A.Parthiban and they have been seeking adjournments for filing the written statement. In the meanwhile that on 02.05.2021, the 6th defendant Muthu died intestate leaving behind the respondents 7 to 17/ defendants 7 to 17 as his wives, sons and daughters as per the provisions of Hindu Succession Act 1956. Hence, they filed a petition under Order 22, Rule 4 CPC to add the legal heirs of the 6th defendant deceased Muthu and the petition was numbered as I.A.2/2022 and it was allowed on 06.02.2025. Hence, it is just and necessary to amend the plaint as set out in the accompanying petition. Unless this court allowed them to

amend the petition as set out in the accompanying petition they will be put to irreparable loss and hardship on the other hand the respondents will not prejudice. Hence, this petition.

**3) Brief averments of the Counter filed by the 17th Respondent :-**

The above said petitioners/ plaintiffs have filed the above said suit for partition. The above said 3rd petitioner/plaintiff has filed the above said consequential amendment petition for amend the plaint after allowed I.A.No.2/2022 on 08.01.2025 by the court.

As per the order of the court in I.A.No.5/2024 dated 22.08.2024, he has been appointed as court guardian to 17th respondent as she is an insane person. So he filed this counter for 17th respondent for her benefit as court guardian.

The facts stated in the above said petition by the petitioner/plaintiff is consequent proceedings for amend the plaint and conduct the suit so there is no any prejudice to this 17th respondent.

This 17th respondent is also entitled to get one share in the suit properties which is actual belonging to her deceased father /6th defendant. But the petitioners/plaintiffs are claiming 6 shares out of 8 shares is not sustainable and maintainable and it can be only decided by the contest the above said suit and this 17th respondent is the necessary party in the above said suit.

He is the court guardian for the 17th respondent and he is ready to contest the above said suit for share of the 17th respondent in the suit properties

and also for benefit of the 17th respondent/insane person. To contest the above said suit is only a remedy to the 17th respondent/insane person for she obtains her share in the suit properties without prejudice to her rights and share after make the proper amendment in the plaint in the above suit. Hence, he requested to consider the above said facts and pass the further order on the interest of justice.

4) The defendants 1 to 4, 6, 8, 14 and 15 endorsed as no counter and the defendants 5, 7, 9 to 13, 16, 18 to 20 having remained exparate.

5) **Point that arises for consideration in this Petition is that**

Whether this petition is to be allowed as sought for?

6) **Point:** **Heard both sides, perused the records.** The death of the 6th defendant Muthu is admitted and the application filed by the petitioners herein under Order 22 Rule 4 CPC was allowed. Therefore, so far as the impleading of the 7 to 17 respondents herein by recording the death of 6th defendant Muthu is concerned and the amendment to that effect in the plaint is not at all disputed. However considering the facts and circumstances and consequences of the impleading of the 7 to 17 respondents herein, in the original plaint, this court is inclined to allow this application and thus the point is answered accordingly.

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

This Order is dictated by me to the Stenographer Grade-III of this Court, transcribed by her in Computer, corrected and pronounced by me in open court, this the 10th day of March - 2025.

**Principal District Judge,  
Tiruvannamalai.**

Draft / Fair Order in  
I.A.No.06/2025  
in  
O.S.No.60/2020  
Dated : 10.03.2025