

**IN THE COURT OF DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,  
KILPENNATHUR.**

**Present: Thiru.M.C.Arun, L.L.B.,**  
District Munsif-cum-Judicial Magistrate, Kilpennathur.  
06<sup>th</sup> day of November, 2025, Thursday.

**IA 01/2025**  
**in**  
**OS.No. 16/2024**

C. Indirani ..... Petitioner/Plaintiff  
-Vs-

1. Renu Chettiyar (died),  
2. Sivakumar ..... Respondent/ Defendant  
\*\*\*\*\*

This Petition is coming before me on 04.11.2025 for final hearing in the presence of Thiru. N. Elangovan, learned counsel for the Petitioner/Plaintiff and Thiru.P.M.Ranganathan, learned counsel for the Respondent/Defendant and upon perusing the case records having stood over for consideration till this day, this Court delivers the following;

**ORDER**

The petitioner namely C.Indirani filed the petition under order 6 rule 17 of the C.P.C and prayed before this court to carryout the amendment by adding a word 'died' against the name of D1 Renu Chettiyar both in short title and long cause title and also in after para 11(a) of the plaint.

**1. Crux of the petition**

The petitioner is the plaintiff in the suit and she filed the suit for declaration of title and injunction against D1 and D2 and she submits that the R1 Renu Chettiyar died intestate and her wife also predeceased him and so want to amend the plaint by adding a word 'died' against the name of D1 Renu Chettiyar both in short title and long cause title and also in after para 11(a) of the plaint and prayed to allow this petition.

**2. Crux of the counter**

Respondent submits the petition is not maintainable either in law or on fact and same to be dismissed and threshold and the petitioner has to be prove the case. The written

statement filed by the respondent to be consider has on part and parcel as counter. The respondent submits that the suit property was alienated by the learned Principal sub Judge, Tiruvannamalai, EP 86/2011 in OS No. 54/2009 through courts sale vide Doc.No 2702/2011 and thereafter the said Porsaravavana alienated the suit property in favour of this respondent vide doc.No. 742/2013 through sale on 25.02.2013 and also delivered the possession of the property in the said sale deed itself and thereafter respondent has been exclusive possession in the suit mentioned property. The respondent submits that R1 was died on 06.04.2024 and this respondent derivative title owner and the 1<sup>st</sup> respondent and so the version of the petitioner that there the legal representative could not be accepted and prayed to dismiss the petition.

### **3. Points for consideration**

Heard. Records perused. The counsel for the petitioner filed the petition to permit him to amend by adding a word 'died' against R1 and other related additions in the plaint. Whereas, the counsel for the respondent objected that R2 is the derivative title holder as well as the legal representative to R1 and prayed to dismiss the petition. This court is of opinion that the allegation mention in the counter only with regard to the merit of the case not with regard to this petition averments and further in this court observed that allowing this petition will not cause prejudice to this petitioner.

**4. In the result,** this petition is allowed without cost.

Dictated to the Steno-Typist, directly typed and computerized by her, corrected and pronounced by me in the Open Court on this, the 06<sup>th</sup> day of November, 2025.

District Munsif-cum-Judicial Magistrate,  
Kilpennathur.

Petitioner side Evidence : Nil  
Petitioner side Document : Nil

District Munsif-cum-Judicial Magistrate,  
Kilpennathur.