

IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR
PRESENT: Tmt. J. JULIET PUSHPA, B.Sc., M.L.,
Principal District Judge, Tiruvallur

Monday, the 17th day of March, 2025

I.A.6/2023 IN O.S.173/2013

R. Jamnuna,

....Petitioner/ plaintiff

Versus

1. G. Kalavathi

...1st respondent /defendant

2. P. Sathya

..2nd respondent / proposed 2nd defendant

This Petition coming on 07.03.2025 for final hearing in the presence of M/s P. Senthilkumar, R.K. Baskar Kumaravel, learned counsel for the Petitioner and J. Sankar, J. Sheeba, learned counsel for respondents/defendants / proposed parties, upon hearing the both side, and perusing the documents filed by the petitioners and the entire case records, this Court delivered the following:-

ORDER

This petition filed by the Petitioners under Order 6 Rule 17 of C.P.C. to amend the amend the plaint as per the particulars of amendment.

2. Brief averments of the Petitioners is as follows :-

According to petitioner, she has filed I.A.5/2023 to amend the plaint. This court allowed the same on 24.11.2023 to implead the 2nd respondent/

proposed respondent in the original suit as 2nd defendant. Hence, the plaint has to be amended by adding the proposed party P. Sathya W/o Pandian , aged 60 years, Hindu, residing at No.8, Singapore Salai, Ullasa Nagar, Putlur Village, Tiruvallur Taluk Tiruvallur District as 2nd defendant in the short cause title and long cause title

3. The averments in the counter filed by respondents in brief :

The respondents resisted the petition contending that the very numbering of the petitioner is wrong and erroneous. Hence, this petition has to be dismissed. As against the orders of this Court in I.A.5/2023 the respondent preferred appeal in CRP before Hon'ble High Court, Madras in CRP No.680/2024 which is yet to be numbered. The petitioner/plaintiff wantonly dragging on the proceedings to grab more money from the 1st respondent. Hence, prayed to dismiss the application

4. Now, the points for consideration in this petition are:

- 1) **Whether the petitioner is entitled to the relief as prayed for ?**
- 2) **Whether this petition is to be allowed?**

5. POINTS 1 AND 2 :-

Heard both side.

This petition is filed to amend the plaint in the Original suit by adding the 2nd respondent as 2nd defendant in the short cause and long cause title as per the

orders in IA.5/2023 dated 24.11.2023. adding a relief of declaration that petitioner/plaintiff is the absolute owner of the suit property.

6. The case of the petitioner is that she has filed I.A.5/2023 in the original suit to implead the 2nd respondent as 2nd defendant in the original suit which was allowed by this Court on 24.11.2023. Accordingly, the plaint has to be amended.

7. This petition is objected by the respondent on the ground that she has already preferred appeal in CRP filing No.680/2024 before the Hon'ble High Court, Madras and the same is pending.

8. On perusal of records, already this court has allowed I.A.5/2023 thereby impleading the 2nd respondent as 2nd defendant in the original suit. Thus, this petition is only to carry out the consequential amendment. Though the 1st respondent stated that she has preferred appeal before the Hon'ble High Court, Madras , no order of stay is produced till date.

9. It is settled law that if there's no stay order from the High Court, subordinate courts can continue to pass orders in a case, as a stay order is a specific directive that suspends proceedings, not a default state. The mere pendency of a case in an appellate Court does not automatically mean that proceedings in the subordinate court are stayed.

10. Though the 1st respondent states that date of grant of stay is 28.02.2024 and the Hon'ble High Court, Madras has granted stay for 4 weeks, she has not produced any extension of stay to further proceedings in this case. This case of the year 2013 and the case is now more than 10 years old. Under these circumstances, in the absence of any stay order, this court proceeds with the case and pass orders.

11. Therefore, there is no impediment in allowing this petition as the amendment is only consequential. Hence, this court is inclined to allow this petition.

In the result, this petition is allowed. No costs.

Dictated by me to the Steno-Typist, taken down, transcribed and typed by him, corrected and pronounced by me in the open Court on this the 17th day of March, 2025

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**

**Petitioner & Respondent side
witnesses & Exhibits : NIL**

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**