

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

PRESENT: Selvi.A.Keerthana, B.A., L.L.B.,
District Munsif, Ponneri.

Wednesday, the 26th day of November 2025.

I.A. NO.17 OF 2025

in

I.A. NO.449 OF 2018

in

O.S. NO.46 OF 2018

Komala

..... Petitioner/Petitioner/Plaintiff

Versus

1. S.Raghu
2. Ponniammal (died)
3. Kishtammal @ Krishnammal (died)
4. Venkatesan

..... Respondents 1 and 2/Respondents
1 and 4/Defendants 1 and 4

5. Athilakshmi
6. Praba
7. Gopi
8. Dharani

.....Respondents 3 to 6/Defendants 5 to 8

This petition came on 10.11.2025 for final hearing before me in the presence of Mr.R.Krishnaswamy, Learned counsel appearing for the petitioner and Mr.E.Prabu, Learned counsel appearing for the Respondents. Upon hearing both sides, after perusing the material case records and having stood over for consideration till this day, this Court delivers the following:

ORDER

1. This petition has been filed under Order 6 Rule 17 of Civil Procedure Code to amend the application in IA.449 of 2018 in OS.No.46 of 2018.

2. Brief averments of the affidavit filed by the petitioner are as follows:

The petitioner herein is the plaintiff in the above-mentioned suit. The petitioner submits that the 3rd defendant in the above application, namely Kishtammal alias Krishnammal, died, and her son and only legal heir was already impleaded as the 4th respondent in the application. While the said application was pending, the 2nd respondent therein, namely Ponniammal, also died on 18.12.2023. One of her sons, Raghu, is already on record as the 1st respondent, but the 2nd respondent has also left behind other legal heirs. Therefore, a necessary application was filed not only to recognise the 1st respondent as one of the legal representatives of the deceased 2nd respondent, but also to implead the other legal representatives of the deceased 2nd respondent as parties to the application, and the same was allowed. Hence, it has now become just and necessary to suitably amend the application. Hence this petition.

3. Brief averments of the counter filed by the respondents are as follows:

The affidavit cannot be amended except with respect to the cause title. The statement that “the affidavit as well as the petition, wherever the context so requires, the word ‘second respondent’ shall be read to mean and include the respondent No.1 as well as respondents 5 to 7” does not specify where this statement is sought to be incorporated. On the other hand, the statement appears to be in the nature of an argument, which cannot be made without clearly specifying whether the petitioner intends to substitute the said statement in place of every reference to the 2nd respondent or to incorporate it at any particular place in the affidavit in I.A. No. 449 of 2024. Hence, the petition is liable to be dismissed.

4. Evidence:

Neither the petitioner nor the respondents have placed any oral or documentary evidence before this court.

5. Point for determination :

Whether this petition can be allowed or not.

6. Discussion and Findings:

6.1. Considering the facts placed before this Court, it is evident that during the pendency of the application, the 3rd defendant, Kishtammal alias Krishnammal, had died and her only legal heir had already been brought on record as the 4th respondent. Subsequently, the 2nd respondent, Ponniammal, also died on 18.12.2023, leaving behind her legal heirs, one of whom, Raghu, was already on record as the 1st respondent. The petitioner has therefore taken steps to bring on record the remaining legal heirs of the deceased 2nd respondent, and the said application for impleading them has already been allowed.

6.2. In view of the above facts and considering the principle that all necessary and proper parties must be before the Court to ensure fair and complete representation, this Court is of the opinion that the amendment sought is justified. The object of procedural law is to advance justice, and when legal heirs have already been brought on record, corresponding amendments to the pending application are only necessary consequence. Considering the nature of the amendment which is a consequential one, this court is inclined to allow this petition.

7. Result :-

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

Dictated to the stenographer, directly by her in the desktop, corrected and pronounced by me in the open Court on this the 26th day of November 2025.

DISTRICT MUNSIF,
PONNERI.

Both side witnesses and documents:- NIL

DISTRICT MUNSIF,
PONNERI

Fair/ Draft Order
I.A.No.17/2025
O.S.No.46/2018
Date:26.11.2025
DMC,PNI