

IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI

**Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,
District Munsif, Tiruttani.**

Dated the Thursday of 30th Day of January 2025

IA.No.4/2024 in OS.No.119/2012
(CNR.No.TNTR21-000016-2012)

...

Annal

... Petitioner/Plaintiff

/Versus/

1. Jaya@ Jayarman (died)
2. Venu (died)
3. Rathinam @ Munirathinam (died)
4. Ramadoss (@) Snnasi
5. District Collector, Tiruvallur District
6. The Tahsildar, Tiruttani Taluk
7. Govindammal
8. Malleswari
9. Prabhavathy
10. Sarasu
- 11.hariboosanam
12. Vasanta (died)
13. Harinath
14. Haribaby
15. Aswini

... Respondents 1 to15
Defendants 1 to 15

16. Neelamma
17. Suresh
18. Kamalika
19. Suneel

... Respondents16 to 19

Proposed defendants 16 to 19

This petition came up before me for the final hearing on 23.01.2025 in the presence of M/s. V.Kishore Reddy, A. Akila, R. Revathi, R. Indu Prabha, Advocates for Petitioner/ Plaintiff, R1, R2, R3, R12 were died, M/s. R. Srinivasan, R. Rajeshwara babu, P. Praveena, S. Thulasiyammal, S.V. Sandhaya, N. Poovarasana, Advocate for 4, 7 to 9 to 11, 13 to 15 Respondents. R5, R6, R16 to R19 set exparty. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

The petition is filed Under Order 6 Rule 16, 17 of CPC to amend the plaint.

2. Petition averments in brief:-

The petitioner filed this suit against the defendants. While the suit is pending, the 12th defendant died on 03.12.2020 leaving behind her children as her legal heirs. The legal heirs of the 12th defendant are already on record as 13 to 15 defendants in this suit. Meanwhile the 3rd defendant was died on 23.02.2024 leaving behind 16 to 19 defendants as his legal heirs. Therefore the petitioner is filing steps to amend the plaint.

3. Counter filed on behalf of the respondents in brief:-

This petition is not maintainable either in law or on facts. This petition for amendment is highly belated. Fair opportunity was given to the petitioner/plaintiff. The petition lacks bonafide merits. Hence, the petition has to be dismissed with cost.

4. Point for determination:-

Whether the petitioner is entitled to the relief as sought for? or not?

5. Heard both sides. According to the petitioner, while the suit is pending, the 12th defendant died on 03.12.2020 leaving behind her children as her legal heirs. The legal heirs of the 12th defendant are already on record as 13 to 15 defendants in this suit. Meanwhile the 3rd defendant was died on 23.02.2024 leaving behind 16 to 19 defendants as his legal heirs. Hence, she prays to amend the plaint. This respondents resisted stating that the petition for amendment is highly belated. The petition lacks bonafide merits. Hence they pray to dismiss the petition.

6. The suit is filed for declaration and permanent injunction. On perusal of records, already the petition in IA.No.3/2024 to implead the legal heirs of 3rd defendant was filed and the same was allowed on 28.11.2024. Therefore this petition is consequential one and the amendment will not change the cause of action. Hence, in the interest of justice, to provide petitioner an opportunity to prove his case, and for proper adjudication of the case, this petition has to be allowed as the proposed parties are the necessary parties for proper adjudication of the case.

In the result, this petition allowed. No costs.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 30th day of January 2025.

Sd/-R.D. Gurulakshmi
30.01.2025
District Munsif,
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

Sd/-R.D. Gurulakshmi
30.01.2025
District Munsif,
Tiruttani.