

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 Wednesday of 29th Day of January 2025

IA.No.7/2024 in OS.No.17/2021
(CNR.No.TNTR21-000021-2021)

...

A. Dhanalakshmi

... Petitioner/Plaintiff

/Versus/

1. K. Kannappa Naidu (died)

2. K. Rajendiran

3. K. Indiraseanan

... Respondents1to3/Defendants1to 3

4. K. Chengamma

5. K.R. Santhi

6. V. Latha

... 4 to 6 Respondents/

Proposed defendants 4 to 6

This petition came up before me for the final hearing on 22.01.2025 in the presence of M/s.R. Rajeshwara babu, S.V. Sandhaya, Advocates for Petitioner/Plaintiff, 1st Respondent was died, M/s. V.Kishore Reddy, E. Vijaya Kumar, A. Akila, R. Indu Prabha, K.A. Chandra Sekaran, B. Janani, Advocate for 2 to 6 Respondents. 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 is the absolute owner of the schedule mentioned property. The petitioner purchased the suit property on 24.07.2019 in doc.No.2433/2019. The petitioner has took possession of the suit property and she developed the vacant land by leveling it made reclamation and development. The schedule mentioned property originally belonged to one S.M. Annamalai who died intestate leaving behind his wife, four sons and one daughter as his legalheirs to succeed his estate. This suit property was allotted to this plaintiff's vendor S.A. Thulasi in family arrangement. The sale is for good and valid consideration. The sale deed as been executed in lawful and in properly valued stamp papers.

(b) Excepting the petitioner no other person has got any right title or interest to the suit property. While so the defendants 1 to 3 who have no manner of any right, title or interest attempted to interfere with the petitioner's peaceful possession and enjoyment of the suit property. Therefore petitioner filed the suit for permanent injunction against the defendants.

(c) The 1st respondent/1st defendant was died on 17.09.2021 leaving behind his wife Chengamma and his daughters K.R. Santhi, V. Latha and his sons 2nd defendant and 3rd defendant except there are no other legal heirs. Hence the petitioner filed in petition IA.No.6/2024 and the same was allowed on 11.11.2024 under Order 22 Rule 4 CPC. Hence the petitioner prays to amend the plaint.

3. Counter filed on behalf of the 2 to 6 respondents in brief:-

This petition is not maintainable either in law or on facts. The 1st Respondent was died on 17.09.2021 leaving behind his legal heirs are true and admitted by this respondent. The petitioner has filed this petition to get unlawful gain over the suit property. It is crystal clear that the respondents added in this petition are all unnecessary parties to this suit and this will shows that the petitioner has no right or title to the suit property. The petitioner has filed this petition at this stage is not at all maintainable. Since the petitioner has filed this petition to drag on the proceedings. There is no bonafide and no merits in this petition. 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. While the suit is pending, the 1st respondent died on 17.09.2021 leaving behind his wife Chengamma and his daughters K.R. Santhi, V. Latha and his sons 2nd defendant and 3rd defendant as his legal heirs to succeed his estates. The petitioner filed in IA.No.6/2024 to implead the legal heirs of 1st defendant and the same was allowed on 11.11.2024. Hence, she prays to amend the plaint. This respondents resisted stating that the petitioner has filed this petition at this stage is not at all maintainable. Since the petitioner has filed this petition to drag on the proceedings. There is no bonafide merits in this petition. Hence they pray to

dismiss the petition.

6. The suit is filed for declaration and permanent injunction. Already the petition in IA.No.6/2024 to implead the legal heirs of 1st defendant was filed and the same was allowed on 11.11.2024. 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 her 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 29th day of January 2025.

Sd/-R.D. Gurulakshmi
29.01.2025
District Munsif,
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

Sd/-R.D. Gurulakshmi
29.01.2025
District Munsif,
Tiruttani.