

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 Tuesday of 4<sup>th</sup> Day of February 2025

I.A.No.3/2024 in OS.No.35/2014

(CNR.No. TNTR21-000040-2014)

...

1. Mannesammal (died)	... Plaintiff/1st petitioner
2. Rajeswari	
3. Minor Vingesh , Rep. By his mother next friend Rajeswari	...2,3 petitioners / 2,3 Proposed Plaintiffs

/Versus/

1. E. Subramani	
2. The Thasildar, Tiruttani	
3. The Revenue Divisional Officer, Tiruttani	
4. The Sub-Registrar, Tiruttani	
5. The District Collector, Tiruvallur	... Respondents / Defendants

This petition came up before me for the final hearing on 27.01.2025 in the presence of M/s. C.A. Natarajan, Advocate for Petitioners/ 2,3 Proposed Plaintiffs, 1<sup>st</sup> plaintiff was died, M/s. V. Kishore Reddy, E. Vijayakumar, A. Akila, Advocates for 1<sup>st</sup> Respondent /1st Defendants, 2 to 5 were set exparty in suit. 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.

1. **Petition averments in brief:-**

The Plaintiff was died on 09.01.2022 leaving behind her, the Will dated 02.08.2019 as her sole legalheirs to succeed to her estate. The petitioner filed under Order 22 Rule 3 of CPC and the same was allowed. Therefore the petitioner has to amend the paint accordingly. Hence, this petition filed.

2. **Counter filed on behalf of the 1<sup>st</sup> respondent in brief:-**

This petition is not maintainable either in law or on facts. The alleged Will dated 02.09.2019 executed by the said Mannesiammal while the above suit is

pending. Hence the said Will is not valid in law and not binding on this respondent. The petition is highly belated one and this petition is to be dismissed in limini. There is no bonafides and no merits in this petition. Hence this petition to be dismissed.

**3. Point for determination:-**

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

4. Heard both side. According to the petitioner, the plaintiff Mannesammal died on 10.01.2022 leaving behind 2<sup>nd</sup>, 3<sup>rd</sup> petitioners, as per the Will dated 02.08.2019 as her sole legalheirs to succeed to her estate. Therefore petitioner prays to allow the petition. The 1<sup>st</sup> Respondent resisted the petition by contending that the said Will is not valid in law and not binding on this respondent. The petition is highly belated one. There is no bonafides and no merits in this petition. Hence, the respondent prays to dismiss the petition.

5. The suit is filed for declaration and permanent injunction. On perusal of records, already the petition in IA.No.2/2024 to implead the legal heirs of deceased plaintiff was filed and the same was allowed on 28.11.2024 Therefore this petition is consequential one. 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 4<sup>th</sup> day of February 2025.

Sd/- R.D. Gurulakshmi  
04.02.2025  
District Munsif,  
Tiruttani.

Petitioners and Respondents side Exhibits and witness: NIL

Sd/- R.D. Gurulakshmi  
04.02.2025  
District Munsif,  
Tiruttani.