

IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI

Present : Tmt. S. KAVIPRIYA, B.A., LLB.,
District Munsif, Tiruttani

Dated this Monday the 19th Day of July 2021

IA.No.1 OF 2021
in
OS.No.62 OF 2015

...

1. S. Babu (died)
2. E. Krishnama Naidu (died)
3. P. Ananda Naidu
4. E. Eswariah
5. M. Ramesh

Representing for themselves and villagers of
Gollakuppam village, Tiruttani Taluk

...Petitioners /Plaintiffs

/Versus/

1. K. Babu
2. B. Geetha
3. Sridhar
4. The District Collector, Tiruvallur
5. The Tahsildar, Tiruttani

...Respondents/ Defendants

This petition came up before me for the final hearing on 25.06.2021 in the presence of Mr. G. Radhakrishna, Advocate for petitioners and M/s. R. Srinivasan, R. Rajeshwrababu and P. Praveena, Advocates for respondents. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:-

ORDER

Petition is filed under order 6 Rule 17 of CPC to amend the plaint.

Petition averments in brief:-

2. The petitioners have filed this suit against the defendant to restrain the 1 to 4 defendants from interfering with the villagers common enjoyment of the suit lands. When the suit has become part heard one, recently 1st plaintiff S. Babu died. Similarly, earlier to this, 2nd plaintiff Krishna Naidu died. Since the suit is filed for the villagers, behalf, there is no place to add their legal representatives to sue the defendants. The remaining plaintiffs continue to sue the defendants. To make an entry in the plaint, against the 1st and 2nd plaintiffs to the effect that they died in the short cause and long cause title.

Counter filed on behalf of the respondents in brief:-

3. The petition for amendment is not maintainable either in law or on facts. The petition is highly belated. The petitioner/plaintiff is the law breakers taking law into their hands and they have not come to the court with clean hands. Hence, the petition has to be dismissed with costs.

Point for determination:-

4. Whether the petitioners are entitled to amend the plaint?

5. The petitioners filed this petition to amend the plaint to make an entry in the plaint, against the 1st and 2nd plaintiffs to the effect that they died in the short cause and long cause title. The respondents resisted the petition by contending that

the petition is highly belated and the petitioner/plaintiff is the law breakers taking law into their hands and they have not come to the court with clean hands. The amendment will not change the cause of action. Hence, in the interest of justice to provide an opportunity to the petitioners to prove their case and to avoid multiplicity of proceedings. This petition can be allowed. No costs.

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

Dictated to Steno - Typist and computerized by her directly, corrected and pronounced by me in open court, this the 19th day of July 2021.

Sd/- S. Kavipriya
District Munsif,
Tiruttani.

Both sides Exhibits and witnesses:-

NIL

Sd/- S. Kavipriya
District Munsif,
Tiruttani.