

I.A.No.19/2025 in O.S.No.103/2013

date : 22.09.2025

Order pronounced.

This petition has been filed under **Order VI Rule 17 of the Code of Civil Procedure, 1908**, seeking amendment of the plaint. The prayer of the petitioners is to correct the plaint cause title by adding the name of the Partnership Firm, namely *M/s Sha Crushers*, and to suitably amend the prayer so as to restrain the legal heirs of the deceased first defendant, who were impleaded as defendants 3 to 8, from alienating or encumbering the suit properties till the disposal of the suit.

The petitioner states that the suit was filed in 2013 seeking permanent injunction against the 1st defendant from alienating the suit properties. During the pendency of the suit, the 1st defendant died on 15.07.2020 and his legal heirs were impleaded. It has subsequently come to light that certain items of the suit properties, namely Nos. 3, 9, 11, 13, 14, 16, 19, 24, 25, 26 and 27, were sold by the deceased defendant to his sons O.M. Jamalmughideen, O.M. Umarparook and O.M. Sirajnisha, and portions were further conveyed to Rahmathun Kamila and Muhammad Yousuf, who are necessary parties to the proceedings. The petitioners therefore seek amendment of the plaint to implead them and also to correct the description of the plaintiffs as a partnership firm, *M/s. Sha Crushers*.

The respondents oppose the petition contending that the amendment is vexatious and intended to delay trial. It is argued that the suit was filed by individuals and not by the firm, and after 12 years such a change in the capacity of the plaintiffs cannot be permitted. They submit that earlier amendment petitions were allowed only for changes in the defendants' status, but the present attempt to alter the character of the suit is not maintainable.

On consideration, the Court finds that impleading of subsequent purchasers is necessary for effective adjudication of the rights over the disputed properties and therefore this portion of the amendment deserves to be allowed. However, the amendment sought to alter the capacity of the plaintiffs from individuals to the firm *M/s. Sha Crushers* cannot be entertained at this stage. Though the plaint itself contains pleadings about the firm and such a change may not alter the nature of the suit, the suit has been pending since 2013 and such a step ought to have been taken at the earliest. Hence, the amendment petition is partly allowed to the extent of impleading the purchasers, and in all other respects stands **dismissed. No order as to costs.**

**A.D.M
Tenkasi**