

**IN THE COURT OF THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, VELLORE, VELLORE DISTRICT.**

PRESENT: Tmt. G. Santhi, BA.,ML.,
I Additional District and Sessions Judge,(FAC)
Vellore.

Saturday, the 4th day of November, 2023

I.A.No.1/2023 in O.S.No.24/2021

1. Mangalakshmi
2. Minor Priya
3. Minor Kumar @ Naveen Kumar
4. Minor Kamatchi

(Minors 2 to 4 are represented by their mother
and next friend/natural guardian 1st petitioner
herein)

.... Petitioners/ Plaintiffs

/vs/

1. The Chief Engineer, TNEB, Gandhi Nagar, Vellore-6
2. The Superintendent of Engineer, TNEB, Gandhi Nagar, Vellore-6
3. The Executive Engineer, TNEB, Gandhi nagar, Vellore-6
4. The Assistant Executive Engineer, TNEB, West Shenbakkam, Vellore-8
5. The Junior Engineer, O&M, TNEB, Vellore.
6. Muniyammal

.... Respondents/Defendants

This Interlocutory Application is coming on 02.11.2023 before this Court for final hearing in the presence of Thiru J. Sridharan, Advocate for the Petitioners and Thiru T.A. Md. Akbar Basha, Government Pleader for the Respondents 1 to 5 and Thiru S.P. Babu, Advocate for the Respondent No.6 and considering that the counsels for the Respondents have endorsed no counter to this application, on hearing the arguments of both sides, upon perusing the entire case records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

Petition filed by the Petitioner under Order VI, Rule 17 of CPC to amend the plaint as per the details furnished in the petition.

2. Brief averments in the affidavit filed by the Petitioner:

The 1st petitioner/1st plaintiff has filed this petition for herself and on behalf of other plaintiffs. The documents filed along with the plaint are to be treated as part and parcel of this petition affidavit. The respondents 1 to 5 / defendants 1 to 5 have filed their written statement that the name of Tamil Nadu Electricity Board has been changed to TANGEDCO, namely, Tamil Nadu Generation and Distribution Corporation Limited and mentioned that the plaintiffs should amend the plaint as per the above said version. In fact, both names related to same person. Now, the suit is posted for cross examination of P.W.1. In order to avoid further multiplicity of proceedings, the petitioner has filed this petition to amend the plaint to include the present designation of the defendants 1 to 5 in the plaint. The petitioner has filed the present petition on the basis of the written statement as well as memo filed by the contesting defendants 1 to 5. Hence, they may not have any objection to allow the present amendment. Because, it will not change the character of the suit as well as the defendants' designation. If the petition is not allowed, the petitioner will be put to great loss and irreparable hardship.

3. The Respondents 1 to 5 have not filed counter. The counsel for the Respondents 1 to 5 have endorsed 'No counter'. The 6th Respondent also not filed any counter.

4. The Point for consideration is whether this petition is to be allowed or not.

5. POINT:

6. This petition is filed by the petitioners/plaintiffs to amend the plaint with regard to the new name of the Tamil Nadu Electricity Board. The petitioners have

stated that the respondents 1 to 5 / defendants 1 to 5 have filed their written statement that the name of Tamil Nadu Electricity Board has been changed to TANGEDCO, namely, Tamil Nadu Generation and Distribution Corporation Limited and mentioned that the plaintiffs should amend the plaint as per the above said version. The suit is filed by the petitioners/plaintiffs directing the respondents 1 to 5 to pay compensation of Rs.25,00,000/- for the death of one Murugan who was the husband of 1st petitioner as well as father of the minor petitioners 2 to 4 and also son of 6th respondent. The petition averments disclosed that the said Murugan died due to electrocution. As the respondents 1 to 5 are responsible for the maintenance of street line live wires, the suit has been filed against them. Now, the suit is posted for cross examination of P.W.1. The petitioners proposed to amend the plaint with regard to the name transfer of the Tamil Nadu Electricity Board. The respondents have not chosen to file counter. This amendment will not change the nature or character of the suit and the respondents will not be prejudiced. Therefore, taking into consideration of the facts and circumstances of the case and in order to avoid further multiplicity of proceedings, this court permits the petitioners to amend the plaint with the petition mentioned details and accordingly this petition is allowed.

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

Dictated by me to the Steno-typist, typed by her in computer, corrected and pronounced by me in the Open Court, this, the 4th day of November, 2023.

**I Additional District and Sessions Judge,
Vellore.**