

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

PRESENT: Tmt.G.Santhi, B.A., M.L.,
I Additional District and Sessions Judge,
Vellore.

Wednesday, the 25th day of September, 2024

I.A.No. 3/2024 In O.S.No. 50/2020

1. Chandiran
2. Amsa
3. Anjali

.... Petitioners/Plaintiffs

/vs/

1. Mahalingam
2. Suryakala
3. Gopalakrishnan
4. Bharathi

....Respondents/ Defendants 1 to 3

This petition came up before me for final hearing on 23.09.2024 in the presence of Thiru.S.Gunasekaran, Counsel for the Petitioners/Plaintiffs and Thiru.R.Nepolean, Advocate for the 1st and 2nd respondents, Thiru.M.Kulothungan, Advocate for the 3rd Respondent / Defendant, sufficient time given to respondents, respondents called absent set exparte and have not filed counter and upon perusing the entire case records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

The petition filed on the behalf of the Petitioners/Plaintiffs under Order 6 Rule 17 and Section 151 C.P.C. to amend the plaint.

2. The brief averments in the affidavit by the petitioner are read as follows:

The petitioner herein is the 1st petitioner/plaintiff and he filed this affidavit on behalf of the other plaintiffs. We have filed the suit for relief of partition against the defendants 1 to 3 and they have entered appearance through their counsel and the case posted for his cross-examination. While discussing the case

with his counsel, he came to know that the 4th respondent whose particulars are given in the petition is a sharer in respect of the item No.2 of the suit property (elder paternal uncle's son to the petitioner) was not added as a party due to oversight and a petition in I.A.No.2/2023 was filed to implead him as a defendant in the suit was filed and the same was allowed by this court. The petitioner filed this petition to amend the plaint as per the particulars of amendment given in the petition. No prejudice will be caused to the other side if this petition is allowed and the same may be allowed in the interest of justice.

3. Even after given sufficient time, the Respondent has not filed counter and set exparte.

4. Records perused.

5.The point for consideration is whether the petition is to be allowed or not?

POINT:

6. The 1st petitioner filed this application against the respondents for relief of partition. The petitioner came to know that the 4th respondent's particulars are given in the petition is a sharer in respect of the item No.2 of the suit property (elder paternal uncle's son to the petitioner) was not added as a party due to oversight and a petition in I.A.No.2/2023 was filed to implead him as a defendant and the same was allowed by this court. Therefore, it is necessary to amend the plaint as per the particulars of amendment given in the petition and considering the failure of respondents to file their counter and in the interest of justice, this court decided to allow this application for amendment in I.A. No. 3/2024.

As a result, this petition is allowed.

Dictated by me to the Steno-Typist directly, computerized by him directly, corrected and pronounced by me in the Open Court, this the 25th day of September, 2024.

I Additional District and Sessions Judge,
Vellore.