

**IN THE COURT OF DISTRICT MUNSIF, GUDIYATTAM,  
VELLORE DISTRICT.**

Present: **Tr.K.Karthick Asath, B.A.,B.L.,(Hons),LLM.,**  
District Munsif,  
Gudiyattam.

Saturday, this the 07<sup>th</sup> day of March 2026

**I.A.04/2025**

**in**

**O.S.No.122/2023**

E. Pushpa

.... Petitioner/Plaintiff

// Versus //

1. The District Collector,  
A Block, 2<sup>nd</sup> Floor, Collectorate,  
Vellore – 632 009.
2. The Tahsildar,  
Gudiyattam Taluk Office,  
Gudiyattam.
3. The Village Administrative Officer,  
Kondasamuthiram Panchayat Office,  
Gudiyattam – 632 601.
4. The Sub-Inspector of Police,  
Gudiyattam Town Police Station,  
Gudiyattam (FIR.No.553/2013)
5. Muniyamma

.... Respondents/ Defendants

This petition came up on 01.12.2025 before me for final hearing in the presence of Thiru.J.Arumugam, Advocate for Petitioner and Thiru.K.Loganathan, Advocate for the respondents 1 to 4 and upon perusing the case records and having stood over for consideration till this day this court delivered the following.

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**Order**

Petition filed under Section 6, Rule 17 and Section 151 of Code of Civil Procedure to amend the plaint as per this petition and pass such other orders.

**1. The averments of the petitioner in the applications:-**

The petitioner is the plaintiff in the suit. Suit filed by the plaintiff against the defendants during the pendency of the suit 5<sup>th</sup> defendant Muniyamma passed away date of death but confirmed pending suit without any identifiable heirs. On 16.04.2024 suit adjourned for steps against 5<sup>th</sup> defendant on 09.01.2025 petitioner filed memo stating that 5<sup>th</sup> defendant died without identifiable heirs hence no substitution is necessary however this court suomoto passed on order directing to file petition to amend the plaint by adding died after the name of 5<sup>th</sup> defendant hence it is prayed to adding the word died after the name of 5<sup>th</sup> defendant.

**2. The averments of the 2<sup>nd</sup> respondent in the application:-**

The respondent submit that a proposed amendment not maintainable. The 5<sup>th</sup> defendant is non other than sister of the petitioner and daughters of alleged Kuppannan Chettiyyar and Nagapoosanam. Hence the legalheirs of deceased 5<sup>th</sup> defendant are necessary parties. The petitioner well known about the date of death and particulars of legalheirs she wantonly failed to inform to this court. Hence the petition is pleased to dismissed.

**3. Both side enquiry heard.**

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**4. Point for consideration:-**

Whether this application is liable to be allowed ?

**5. Evidence:-**

Neither of the parties to this application have adduced any oral or documentary evidence.

**6. Discussion:-**

On perusing the available records and considering the submission made by the both counsels this court passing the following order.

**6.1.** The petitioner filed the suit against the respondents for declare the father of the plaintiff and 5<sup>th</sup> defendant namely Kuppanna Chettiyar is dead who is missing since 20.06.2013. While the suit posted for further plaintiff/petitioner side evidence then the petitioner filed the present IA for amend the status of 5<sup>th</sup> defendant as died. On perusing the available records at the time of cross examination of PW1 dated 27.11.2024 the petitioner revealed that her sister Muniyamma/5th defendant died before six months. On that this court directed to take steps against the 5<sup>th</sup> defendant. In the present petition the petitioner stated that the date of death of Muniyamma and known but confirmed pending suit without any identifiable heirs.

**6.2.** Per contra the 2<sup>nd</sup> respondent filed counter stating that the 5<sup>th</sup> defendant is non other than the sister of petitioner hence she knows about date of death and legalheirs of 5<sup>th</sup> defendant but intentionally she failed to

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implead the necessary legalheirs hence prayed to dismiss the petition. While the petitioner is the sole plaintiff in the suit burden upon her to implead the necessary parties but she herself stated that 5<sup>th</sup> defendant died without any identifiable heirs hence as a dominus litus the petitioner having right to sue against whom she wants. Even the 2<sup>nd</sup> respondent not furnish the legal heirs of 5<sup>th</sup> defendant for objecting the petitioner prayer. On considering the above discussion and for avoid multiplicity of proceedings this court inclined to allow this petition.

**7. Result:-**

As a result this petition is allowed without cost.

Dictated to Steno typist directly, typed by him corrected and pronounced by me in the open Court on this the 07<sup>th</sup> day of March 2026.

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Gudiyattam.**

**Petitioner side Witnesses and Exhibits :- Nil**

**Respondents side Witnesses and Exhibits :- Nil**

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