

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
VIRUDHUNAGAR**

Present : Thiru. T.V.Hemanandakumar, B.A.,L.L.M.,
Additional District Judge, Virudhunagar

Tuesday, the 01st day of April, 2025

IA No.08/2025 in
OS.No.22/2021

<p>Minor Priyadharshini (Rep' through her maternal grandfather/Guardian S.Narayanan)</p>	...	<p>Petitioner/plaintiff.</p>
Vs		
<p>1. Parimala 2. Minor Srinivas (2nd respondent Rep' through her mother/natural guardian i.e. 1st respondent L.Parimala) 3. N.Baladeepa 4. A. Muthu Muniyandi (Died) 5. The Manager, ICICI Bank Ltd., Virudhunagar.</p>	...	<p>Respondents 1 to 5/Defendants 1 to 5.</p>
<p>6. Smt.Muthumari. 7. Muniyarajan. 8. Marimuthu</p>	...	<p>Respondents 6 to 8 / Proposed defendants 6 to 8.</p>

This petition came up on 18.03.2025 for final hearing before me, in the presence of Thiru.S.V.Nagarajan, learned advocate for the petitioner/plaintiff and Thiru.M.Subburam, learned advocate for respondents 1 and 2 and respondents 3 and 6 to 8 remained exparty and 4th defendant died and Thiru.R.Ganesh Babu, learned advocate for 5th respondent and upon considering all material records in this case and having stood over till this day for consideration, this court doth deliver the following

ORDER

This petition is filed by the petitioner/Plaintiff under Order 6 Rule 17 CPC to amend the plaint.

2. It is stated in the affidavit that the petitioner is the plaintiff in the suit. In the main suit, postal summon was sent to the 4th defendant and it was returned as he died. So the petitioners filed I.A.No.07/2025 to implead the legal representatives of deceased 4th defendant. It was allowed on 27.01.2025. So to implead the proposed defendants, the plaint has to be amended.

3) On the side of 1st and 5th respondents, endorsement made as no counter.

4) There is no oral or documentary evidence on both sides.

5) The point for consideration is whether this petition deserves to be allowed?

6) Heard and documents perused.

7) **Point:**

It is seen from the records that the petitioner/plaintiff filed the suit for partition. Summon was sent to the 4th defendant. It was returned as he died. So this petitioner filed a petition IA.07/2025 to implead the legal representatives of deceased 4th defendant and that petition was allowed. In I.A.07/2025, the name of 7th respondent is mentioned as Muthumuniyandi @ Raja. In this petition also in cause title, the 7th respondent name is mentioned as Muthumuniyandi @ Raja. But in the particulars of amendment, the name of the 7th respondent, to be impleaded as 7th defendant, is mentioned as some other name Muniarajan. So as per IA.07/2024, this court allowed this petitioner to implead Muthu Muniyandi @ Raja as 7th defendant. But this amendment application is not par with IA.07/2025. Hence as it is this petition cannot be allowed.

8) In the result, this petition is dismissed. No order as to cost.

Dictated to the steno-typist, typed by her, corrected and pronounced by me in open court, on this the 01st day of April, 2025.

Additional District Judge,
Virudhunagar.

Witness and Exhibits on the side of the Petitioner:

Nil.

Witness and Exhibits on the side of the Respondents:

Nil.

Additional District Judge,
Virudhunagar.