

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 09TH DAY OF FEBRUARY 2017

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.No.785 of 2017

in

C.S. No.467 of 2011

1.Mr.V.Anandan,
S/o Varadhan

2.A.Gnanamaheswari @ A.Maheswari,
W/o V.Anandan,
Both are residing at
No.12/7, 9th Street, Rajashanmugam Nagar,
Thiruvottiyur, Chennai 19 ... Plaintiffs/Applicants

Vs.

1.V.Indumathi,
Door No.29/1, Veera Kutty Street,
Old Washermenpet, Chennai 21.

2.Mallika,
Door No.29/2, Veera Kutty Street,
Old Washermenpet, Chennai 21.

3.L.Seni,
Door No.54/D, Veera Kutty Street,
Old Washermenpet, Chennai 21.

4.M.Mani,
Door No.29/4, Veera Kutty Street,
Old Washermenpet, Chennai 21.

5.E.Tulasi (Died)
Door No.29/6, Veera Kutty Street,
Old Washermenpet, Chennai 21.

6.**Hemavathi,
W/o E.Tulasi,

7.**Narayani,
D/o E.Tulsai

8.**Samundewari
D/o E.Tulsai

9.**Lakshmi
D/o E.Tulasi

Defendants 6 to 9 residing at
Door No.29/6, Veera Kutty Street,
Old Washermenpet, Chennai 21

.. Respondent 1 to 9 /
Defendants 1 to 9

(** Defendants 6 to 9 are brought on record the legal representatives of the Deceased 5th Defendant E.Tulasi as per order dated 04.03.2014 in A.No.786/14 and extended as per order dated 04.04.2014 in C.S.No.467/2011)

10.**M.Pushpa,
W/o Murugesan,
Residing at Door No.29,
Veera Kutty Street,
Old Washermenpet, Chennai 21.

11.**M.Selvam
Residing at Door No.29, Veera Kutty Street,
Old Washermenpet, Chennai 21.

12.**Pusha
Residing at Veera Kutty Street,
Old Washermenpet, Chennai 21.

13.**T.Bala,
S/o Thirunakarasu

14.**T.Ganesan
S/o Thirunakarasu

R13 and R14 residing at
Door No.29, Veera Kutty Street,
Old Washermenpet, Chennai 21 ... Respondents 10 to 14/
Proposed Defendants 10 to 14

(**Defendants 10 to 14 impleaded as per order dated 06.01.2017 in A.No.4522/2014)

Application praying that this Hon'ble Court be pleased to allow the Plaintiff's to amend the Plaint as described hereunder.

This application coming on this day before this court for hearing the court made the following order:

This application is filed to allow the plaintiffs to amend the plaint. Since the proposed defendants already impleaded in the suit necessary allegation as against them to be made in the prayer column hence application the prayer as against the defendants.

2. The only objection of the respondents is that while filing application for impleading, they have not made allegation to the effect that newly added defendants have changed the Revenue records in respect of the suit property. Now, they wanted to introduce the relief as against new defendants. Newly added defendants were impleaded in the suit only on the basis of the defence taken by the second defendant. Newly added defendants are said to be in possession of the property. Now amendment sought to be made in the plaint is in the nature of consequential nature. This amendment will not change the nature of the suit. Having impleaded the defendants, it is necessary for the plaintiff to amend the plaint for proper adjudication of lis between parties.

3. Therefore, I am of the view that the amendment will not change the nature of the case and the cause of action and it will not prejudice the defendants and impleaded defendants can very well file their written statement.

4. With the above observations, this application is

allowed.

5. The learned counsel for the plaintiff is directed to carryout amendment and file the amended plaint copy by 28.02.2017 and also to serve a copy of the same to the impleaded defendants for filing written statement on their side by then.

6. Post the suit on 28.02.2017.

Sd/.N.S.K.J
09.02.2017

//Certified to be a true copy//

Dated this the day of 2017.

gm/10.03.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies
of the Order/Judgment Decree in this format.