



A.No.2806 of 2025

in

C.S.No.658 of 2012

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C.V.KARTHIKEYAN, J.

This application has been filed to amend the relief sought in the plaint by including the defendants 10, 11, 12 and 13 and deleting defendants 1 to 4 in paragraph No.23 and defendants 1 and 2 in the relief at Paragraph No.23 (b) and (c) of the plaint. The necessity to file this particular amendment petition had arisen owing to the fact that the 1st, 2nd, 3rd and 4th defendants are reported dead. The suit had been filed seeking delivery of vacant possession of the suit schedule property and to declare that the plaintiff is the absolute owner of the land in the suit schedule property and for a further mandatory injunction directing the 1st and 2nd defendants to remove the superstructure constructed by the 1st to 4th defendants and to deliver vacant possession and for permanent injunction restraining the 1st and 2nd defendants from creating any encumbrance over the said property.

2.Pending the suit, the 1st and 2nd defendants died. Their legal representatives had been brought on record as defendants 10 to 13. While bringing them on record notices had been directed and counsel had entered appearance on behalf of 10, 12, 13 defendants and the 11th had been set exparte.

3.It is contended by the learned counsel for the applicant / plaintiff that this amendment is required as a consequent to the death of the 1st and 2nd defendants, since, even if a decree is passed, it could not be executed against the



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dead persons and therefore, the legal representatives who are in possession of the suit schedule property should be made bound to any decree, if passed by the Court.

4.It is to be noted that the trial procedure had been completed and the suit is now listed under the caption for arguments. It is imperative that formal defects in the plaint are removed before final adjudication of the relief sought in the plaint.

5.Taking that view into consideration and also hearing the learned counsel for the defendants 10, 12 and 13, this application stands allowed.

6.The learned counsel for the plaintiff to carry out necessary amendment as prayed for in the application within a period of two weeks from this date.

06.08.2025

smv

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