

C.M.P.No.2815 of 2016
in
SECOND APPEAL No.2117 of 2001

T.MATHIVANAN, J

This Civil Miscellaneous Petition has been filed to declare the petitioner/third appellant as the legal representative of the estate of the 2nd appellant and permit the petitioner to prosecute the appeal.

2. Heard Mr.R.Subramanian, learned counsel appearing for the petitioner and Mr.K.Mohana Murali, learned counsel appearing for the respondents 2 to 8.

3. Mr.R.Subramanian, learned counsel appearing for the petitioner has submitted that since the suit property was already sold by the second appellant to the petitioner, the petitioner being a third party, himself has made strenuous efforts to search for the available legal heirs. It is the contention of the learned counsel that legal representatives of the deceased second appellant are not interested in prosecuting the appeal and they are indeed colluding with the respondents. Under these circumstances, the learned counsel has urged to allow the petition because the matter is likely to be settled.

4. Mr.K.Mohana Murali, learned counsel appearing for the respondents 2 to 8 objected the petition on the ground that the legal heirs of the deceased second appellant are available and they should be included to file their objections, otherwise, the respondents would be put into trouble.

5. Mr.R.Subramanian, learned counsel appearing for the petitioner has submitted that since the petitioner is the purchaser of the property, he is ready to take the risk of facing any problem in future.

6. This Court has considered the submissions made by the learned counsels on either side and perused the materials placed on record.

7. Having regard to the submissions made by the learned counsel for the petitioner and also for having satisfied with the reasons stated in the affidavit filed in support of the petition, the petitioner/third appellant is recognised as the legal representative of the estate of the second appellant and he is also permitted to prosecute the appeal. Accordingly, the petition is allowed.

8. The Registry is directed to carry out necessary amendments in the Second Appeal. List the matter under the same caption on 01.3.2016.

25.02.2016

asvm

T.MATHIVANAN, J

(asvm)

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