

C.M.P.No.13944 of 2019
in
AS. No.647 of 2009

T.RAVINDRAN,J.

Both counsel present and heard.

2. The petition has been laid to implead the legal heirs of the deceased first appellant on record as appellants 8 and 9.

3. It is found that the first appellant had died leaving behind the proposed appellants 8 and 9 and the second respondent Kamalam. According to the petitioners' counsel, inasmuch as one of the legal heirs of the deceased first appellant is already on record, there is no question of abatement of the proceedings. The same is not controverted by the first respondent's counsel.

4. According to the first respondent's counsel, there is a delay in filing the petition. However, as one of the legal heirs of the deceased first appellant is already on record, in my considered opinion, there is no question of abatement as well in filing the petition to bring the legal heirs on record. It is not in dispute that the appellants 8 and 9 are the other legal heirs of the deceased first appellant. In such view of the matter, the petition is found to be entitled for acceptance and accordingly, the same is ordered.

5. Registry is directed to amend the appeal memorandum accordingly and post the appeal on 01.08.2019.

24.07.2019

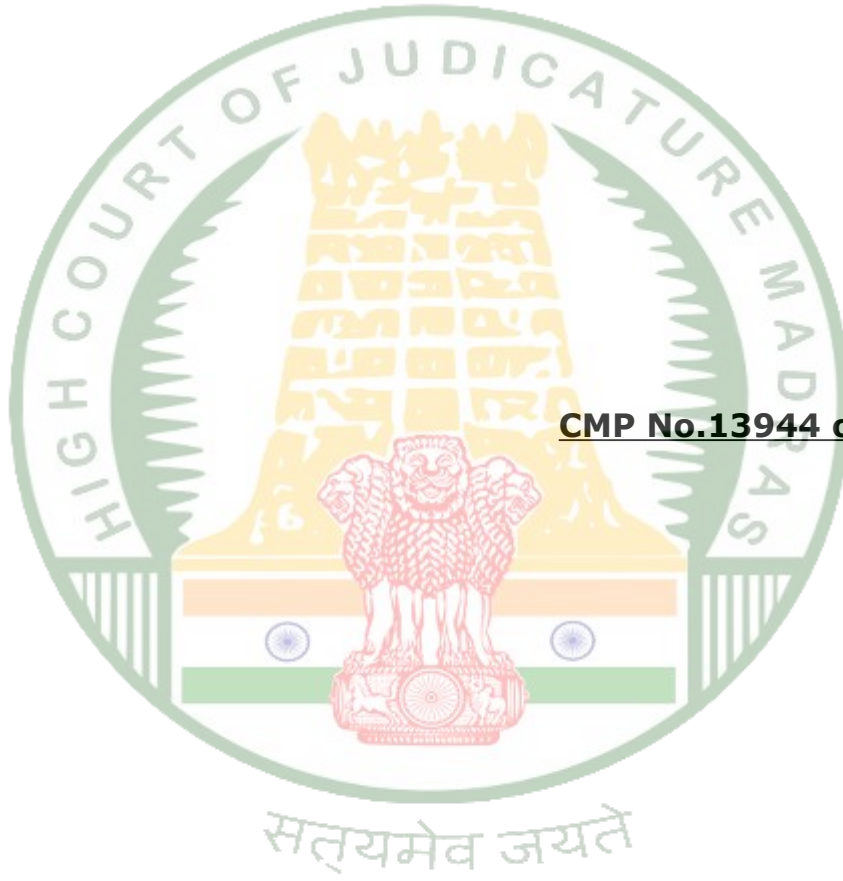
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