

C.M.P.No.2092 of 2020

and

S.A.No.60 of 1997

Dr.G.JAYACHANDRAN,J.

Suit is filed for declaration and permanent injunction. The plaintiff aggrieved by the findings of the first appellate Court has preferred this second appeal.

2.Pending appeal, the first respondent died and his legal representatives were brought on record vide order dated 27.07.2010. Thereafter, it has been brought to the notice of this Court that the 2nd respondent also died on 12.09.2006, who is none other than the wife of the deceased 1st respondent. The impleaded legal representatives of the first respondent are the legal representatives of the deceased 2nd respondent also. While so, the third respondent died on 23.08.2009 leaving behind Amudha @ Anjalatchi, Velu and Revathy as his legal representatives. The

said Amudha @ Anjalatchi has already been impleaded as 4th respondent when the first respondent died. Hence, this Court has ordered notice to the proposed respondents 9 and 10 namely, Velu and Revathy.

3.This Court finds that the 2nd respondent Pounambal wife of the 1st respondent died on 12.09.2006. Her legal representatives are already on record as respondents 5 to 8. Therefore, the said fact is duly recorded.

4.The affidavit of service filed by the learned counsel appearing for the appellants indicates that the proposed respondents 9 and 10 namely, Velu and Revathy have received private notice on 20.02.2020. The postal acknowledgment cards duly signed by the respective parties have been filed along with the proof of service. Hence, this Court takes the proof of service for completion of service to the proposed parties. There is no representation for the proposed respondents.

5.The learned counsel appearing for respondents 5 to 8 has not filed any counter. Therefore, the petition in C.M.P.No.2092 of 2020 to bring the legal heirs of the deceased third respondent is allowed.

23.09.2020

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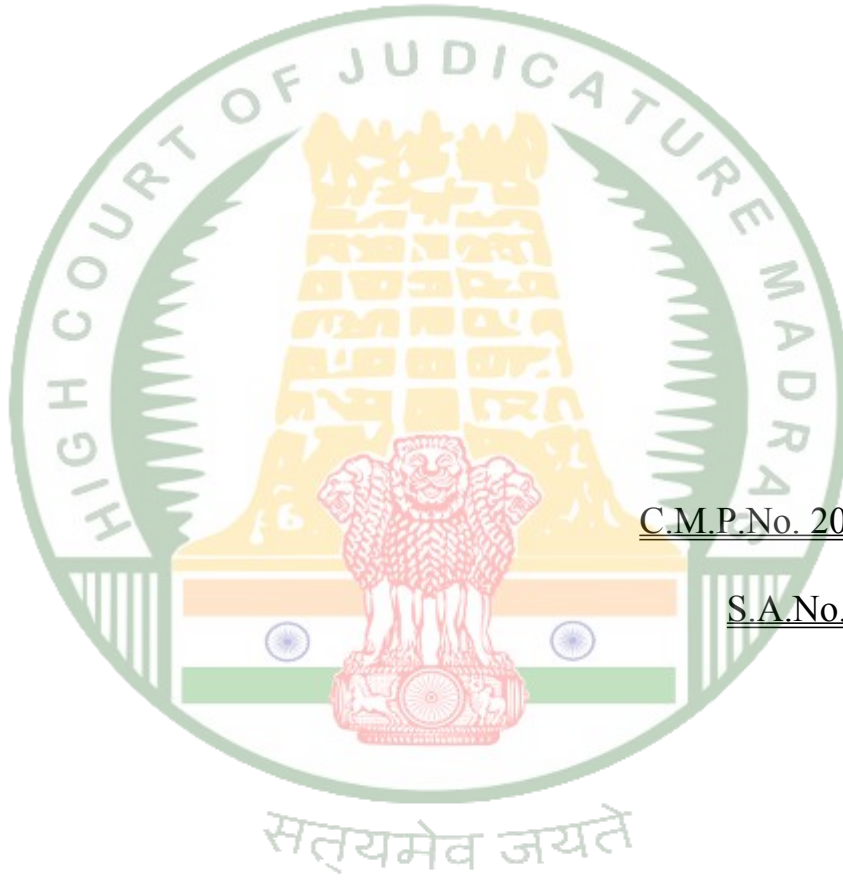
Note:

Registry is directed to carryout necessary amendment in the cause title of the second appeal recording the death of 2nd and 3rd respondents and include the impleaded respondents Velu and Revathy as respondents 9 and 10.

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Dr.G.Jayachandran,J.

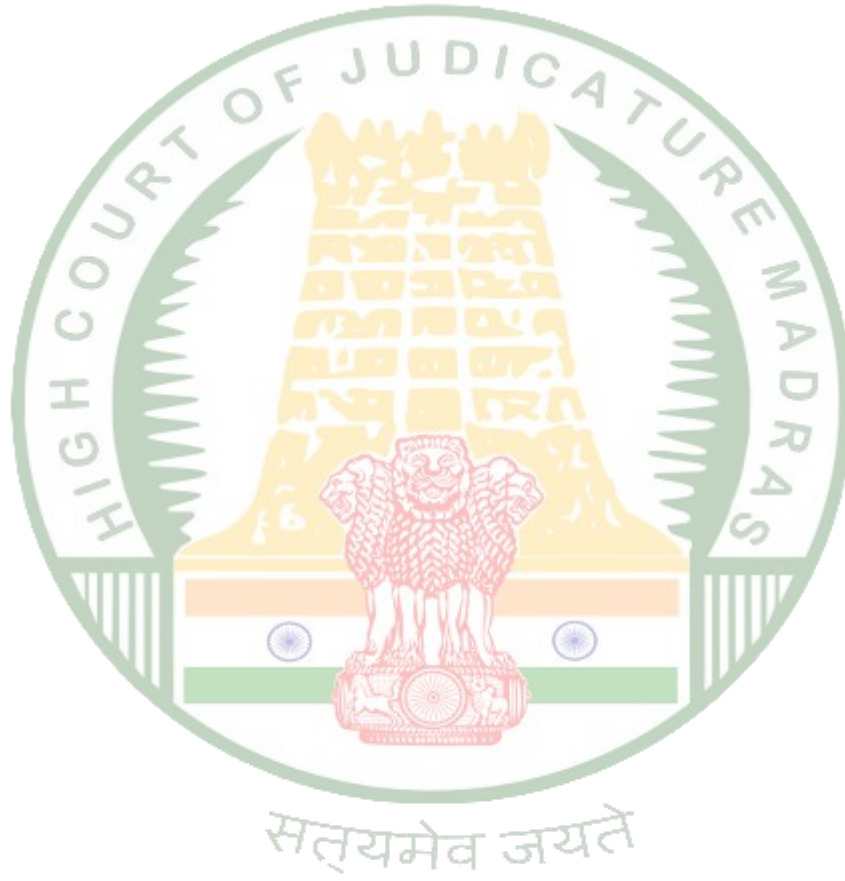
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