



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 10TH DAY OF SEPTEMBER 2020

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

A.No.1871 of 2020

in

C.S.No.106 of 2011

1.Dr.S.Vijaya Bharati (**deceased**)

“West Hamstead”

#6-5760 Hampton Place

Vancouver, B.C.V6T 2G1

Canada

Also at:

Flat GB, AR Villa,

New No. 31, 3rd Main Road,

Gandhi Nagar, Adyar, Chennai 600 020.

2.Dr.Mira T.Sundara Rajan,

legal representative of Dr.S.Vijaya Bharathi,

1606 Northshore Drive,

Richmond, California-94804.

USA

(2nd Plaintiff brought on record as legal heirs of the deceased sole plaintiff as per order dated 09.10.2020 in A.No.2067/2020)

... Plaintiff

Vs.

1. Mr.T.S.Ramalingam

No. 10, Nana Street,

(Near T.Nagar Head Post Office)

T.Nagar, Chennai – 600 017.



2. Narmadha Pathipagam

Rep. By its proprietor,

Mr.R.Jenarthanam

No. 10, Nana Street,
(Near T.Nagar Head Post Office)
T.Nagar, Chennai – 600 017.

(amended as per order dated 22.03.2021 in A.No.1244/2021)

... Defendants

A.No.1871 of 2020

Dr. Mira T.Sundara Rajan
Legal Representative of Dr.S.Vijaya Bharati
1606 Northshore Drive
Richmond, California 94804
USA

... Applicant / Plaintiff

Vs.

1. Mr.T.S.Ramalingam
No. 10, Nana Street,
(Near T.Nagar Head Post Office)
T.Nagar, Chennai – 600 017.

2. Narmadha Pathipagam
No. 10, Nana Street,
(Near T.Nagar Head Post Office)
T.Nagar, Chennai – 600 017.

... Respondents / Defendants

Application praying that this Hon'ble Court be pleased to condone the delay of 249 days in filing an application to bring on record the applicant herein as the Legal Representative of the Sole Plaintiff and implead the applicant as a plaintiff in the present suit.



This Application coming on this day before this court for hearing, the court made the following order:-

This application has been filed seeking to condone the delay of 249 days in filing application to bring on record the applicant herein as legal representative of the sole plaintiff and to implead the plaintiff in the present suit.

2. The applicant is the daughter and sole legal heir and legal representative of the original plaintiff Dr.S.Vijaya Bharati. It is stated that the plaintiff was a senior citizen and was residing in USA and was not able to travel to Chennai.

3. When the matter was posted for evidence, she unfortunately passed away on 22.11.2019. She passed away in California, U.S.A. Thereafter, the applicant herein had to take steps to file this application and in this process there has been a delay of 249 days.

4. In view of the fact that adequate reasons have been given to explain the delay, as the plaintiff's death took place in California, U.S.A and there were procedural difficulties in obtaining the Death Certificate and in filing the same before this Court and in filing the necessary application, and also on hearing the learned counsel for the respondent/defendant, the delay is condoned and this application is allowed.



5. Registry may therefore number the application to bring on record the legal representative of the deceased plaintiff, if it is otherwise in order.

6. List the matter before the Court in the First week of October 2020.

Sd./-CVKJ

10/09/2020

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

NS 28/06/2022