

A.No.2537 of 2017
in
C.S.No.760 of 2012

M.SUNDAR.J.,

There are three plaintiffs and eight defendants in the main suit. Parties in this application shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

2. Three plaintiffs in the main suit are the three applicants herein and defendants 1 to 8 in the main suit are the respondents 1 to 8 respectively in the instant application.

3. This Court is informed that the first Defendant T.Mohanamma died pending suit and the date of demise is 28.10.2013. This Court is further informed that this has necessitated filing of instant application by plaintiffs with the following prayer:

*'b. Order amendment of the Plaint by adding the words
"Deceased" against the 1st Defendant in the Long and Short
Cause Title in the Plaint in the above C.S.No.760 of 2012.'*

4. In the considered view of this Court the prayer is not happily worded. Mere addition of the term 'deceased' either in parenthesis or within single inverted commas, after the first defendant's name does not serve the purpose, though this also needs to be done. Besides the same, this Court is informed that three plaintiffs and defendants 2 to 7 are the legal heirs of the deceased first defendant. Three plaintiffs and defendants 2 to 7 shall be recorded as legal heirs of deceased first defendant, necessary and consequential writings shall be made in the plaint within a fortnight.

5. To be noted, learned counsel for respondents/defendants i.e., respondents in the application submits that he has no opposition/objection to the prayer being alluded to as the prayer is innocuous.

6. Instant application is ordered on above terms.

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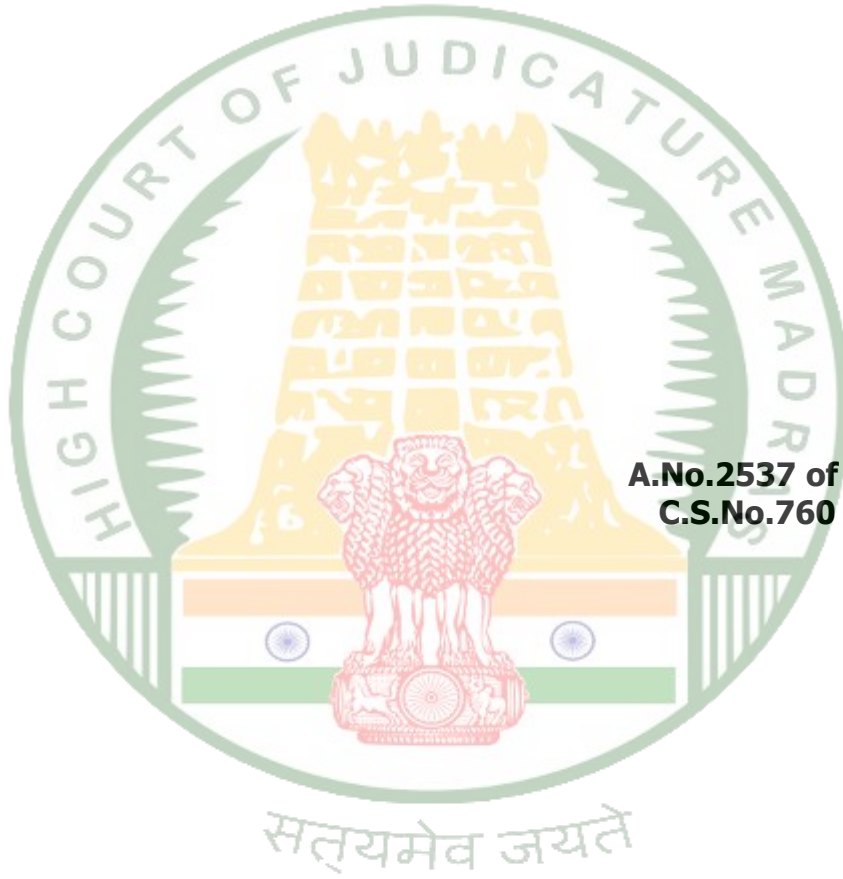
20.02.2020

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