

**C.M.P.No.15620 of 2017**  
**in**  
**S.A.No.1254 of 2009**

**Dr.G.JAYACHANDRAN,J.**

**(The case has been heard through video conference)**

This petition is filed by the third party to get implead as respondents 5 and 6 in S.A.No.1254 of 2009.

2. According to the petitioners, pending second appeal they purchased the property from the 1<sup>st</sup> and 2<sup>nd</sup> respondents herein who are plaintiffs in O.S.No.315 of 1986, without knowing the pendency of the appeal. Their vendors Boyot Virappin, the 1<sup>st</sup> plaintiff in the suit/1<sup>st</sup> respondent in second appeal died on 08.04.2010 and his wife Boyot Krishnammal, the 2<sup>nd</sup> plaintiff in the suit/2<sup>nd</sup> respondent in second appeal died in the year 2011. The appellant had not taken steps to bring legal representatives of the deceased respondents 1 and 2 on record. Further as a subsequent purchaser of the property pending second appeal the petitioner had entered the shoes of the deceased respondents 1 and 2. Their interest in the suit property has to be protected and therefore they are just a necessary party in the appeal. Hence seek permission to get implead as respondents 5 and 6.

3. This implead petition was filed in the year 2017 and listed for hearing for quite few occasions in the past three years. The appellant/respondent has not filed any counter.

4. On perusing the affidavit and memo filed by the petitioners herein in support of their petition, this Court is convinced that the petitioners herein are the subsequent purchaser of the property and their vendors who are respondents 1 and 2 died. The petitioners become the legal representatives of the deceased respondents 1 and 2 / plaintiffs 1 and 2 in the suit. Hence the C.M.P.No.15620 of 2017 is allowed.

5. The learned counsel for the appellant would submit that they are taking necessary steps to implead the legal heirs of the deceased respondents 1 and 2 and seeks time to file petition to that effect. The said submission is recorded.

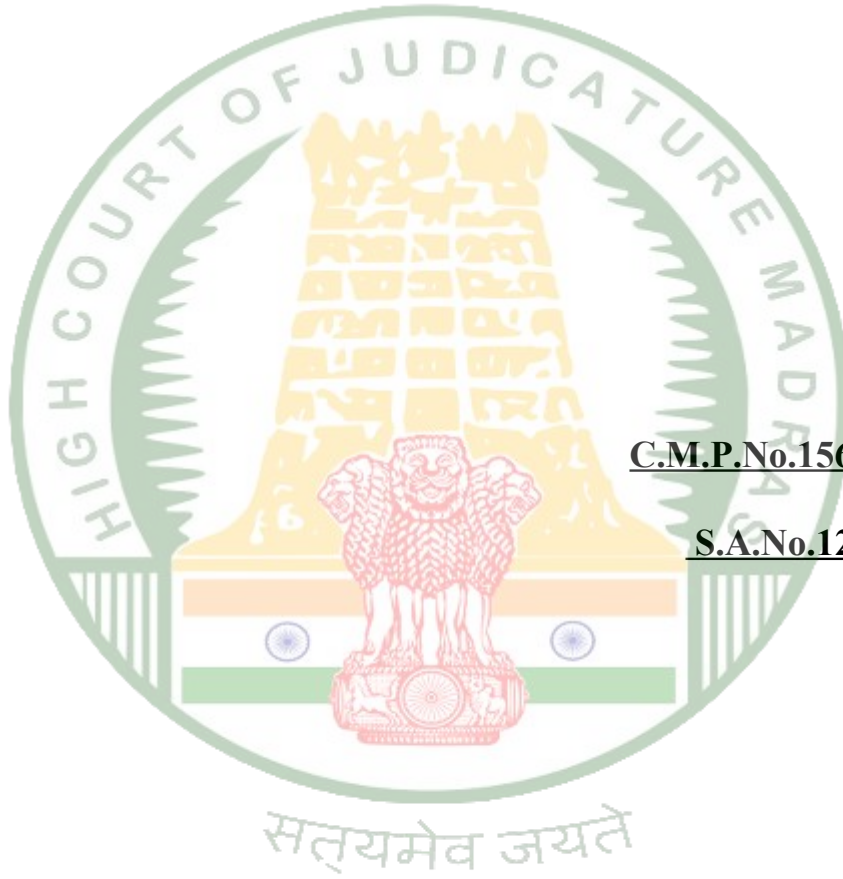
6. The Registry is directed to carry out the necessary amendment and list the case for hearing on 20.11.2020.

**16.10.2020**

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