

C.M.P.Nos.7277, 7279 of 2020 & 558/2012
in A.S.No.272 of 2004

Dr.G.JAYACHANDRAN, J.

The learned counsel for the petitioner is present and the learned counsel representing for the other respondents 1, 3, 8, 31 to 39, 73 & 74 also present.

2. The petitions are to bring on record the legal representatives of the deceased 50th respondent namely Devaraj and 47th respondent namely Mahadevan. According to the affidavit filed in support of the petitions, the said Devaraj died on 06.05.2009 and Mahadevan died on 18.07.2009, pending appeal.

3. As soon as the deaths of Devaraj and Mahadevan were brought to the notice of the appellant, the above petitions were filed in the Registry on 08.07.2009 and 30.09.2009. However, the same have got mixed up among the records and therefore, the subsequent petitions to bring on record the legal representatives the other deceased respondents were numbered and also allowed by this Court vide order dated 13.12.2019. The order of this Court passed on 13.12.2019 is extracted below:

“These petitions are filed to set aside the

abatement caused due to the death of the 21st respondent; to bring on record the legal representatives of the deceased 21st respondent and rank them as respondents 75 to 78; to bring on record the legal representatives of the deceased 52nd respondent and rank them as respondents 90 to 92; to bring on record the legal representatives of the deceased 4th respondent and rank them as respondents 93 to 100; and to bring on record the legal representatives of the deceased 62nd respondent and rank them as respondents 79 to 81.

2.On being satisfied with the reasons stated in the affidavit filed in support of these petitions, the Civil Miscellaneous Petitions are allowed.”

4. Now the Registry has numbered the two sets of petitions to bring on record the legal representatives of the deceased 47th respondent as respondents 86 to 89 and the legal representatives of the deceased 50th respondent as respondents 82 to 85. It is also seen from the records that yet another petition in C.M.P.No.558 of 2012 filed on 23.07.2012 to bring on record the legal representatives of the deceased 93rd respondent namely Neelavathy is also pending since 2012. In the said C.M.P.No.558 of 2012, the legal representatives of the deceased 93rd respondent namely Neelavathy as

proposed respondents to be brought on record as the respondents 101 to 103.

5. As noted above due to misplacement of these petitions to bring the legal representatives of the deceased 47th, 50th respondents and 93rd respondent who herself was the legal representatives of the 4th respondents, the office has expressed the difficulty in giving appropriate ranking to the impleaded respondents. In view of the fact that LR's of 21st respondent and 52nd respondent were impleaded even before impleading the respondents of the deceased 4th respondent and 47th respondent, the error need to be set right. The learned counsels have no objection in allowing C.M.P.Nos.558 of 2012, 7277 and 7279 of 2020 and assign appropriate ranking to the impleaded respondents.

6. Accordingly, the Civil Miscellaneous Petitions C.M.P.No.7277, 7279 of 2020 and C.M.P.No.558 of 2012 are allowed. The Registry is directed to bring the legal representatives on record and to assign respective rank to them. The learned counsel for the appellant is directed to file a clean copy to the Registry.

Dr.G.JAYACHANDRAN, J.

rpl

7. Post the matter for final hearing on 26.02.2021.

12.02.2021



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