

CMP Nos.11240, 9719 and 9721 of 2021
in
S.A. No.814 of 2005

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ABDUL QUDDHOSE, J.

CMP No.11240 of 2021 has been file to bring on record the petitioners herein as Appellants Nos.2 to 10 in the above Second Appeal and the 8th respondent herein as the 8th respondent in the above Second Appeal, they being the legal heirs of the sole appellant S.K.Perumal (since deceased).

2. Heard the learned counsel for the petitioners.

3. The respondents have raised very serious objection for allowing this application to bring on record the Legal Representatives for the deceased appellant on the ground that the petitioners do not have any locus-standi to file this applications as the deceased sole appellant himself was cultivating his suit property and the petitioners therefore have not acquired the status of a cultivating tenant. Even though serious objections have been raised in the counter affidavit filed by the second

respondent in CMP. 11240 of 2021, no prejudice will be caused to the respondents if this application is allowed without prejudice to their rights and contentions in the main Second Appeal. The objections raised in this petition can also be very well raised in the main Second Appeal by the respondents. Further, the Second Appeal is of the year 2005. No useful purpose will be served, if the CMP alone is disposed of at this Stage, instead the main Second Appeal itself can be disposed of on merits after hearing all the necessary parties.

4. For the foregoing reasons, this application ie, CMP No.11240 of 2021 is allowed without prejudice to the rights and contentions of the respondents with regard to the impleadment of the petitioners as the Legal Representatives of the deceased sole appellant.

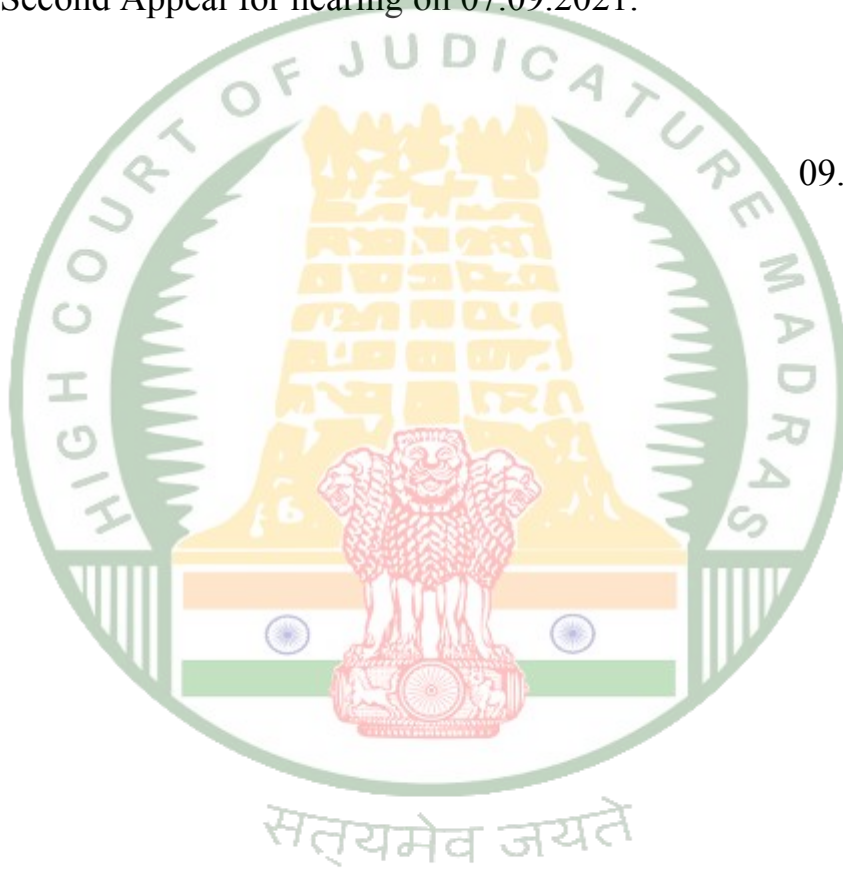
5. Since, this application viz., CMP No.11240 of 2021 is allowed, similarly the applications viz., CMP No.9719 of 2021 has been filed to set aside the abatement caused due to the death of the 1st respondent and CMP No.9721 of 2021 has been filed to bring on record the Legal

Representatives of the deceased 1st respondent as respondents 4 to 7 in the above Second Appeal are also allowed on the above same terms.

6. Registry is directed to carry out necessary amendment and list the main Second Appeal for hearing on 07.09.2021.

09.08.2021

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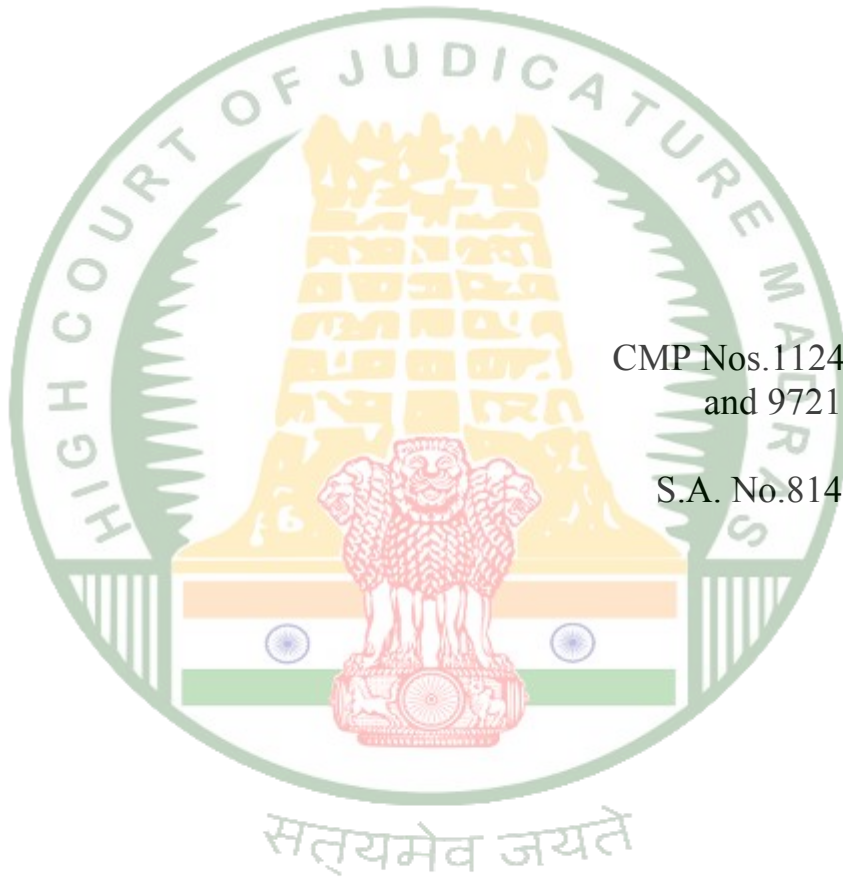


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