

C.M.P. No. 11839 of 2021

in

S.A. No. 839 of 2007

ABDUL QUDDHOSE,J.

This Civil Miscellaneous Petition has been filed to bring on record the legal representatives of the deceased sole appellant on the basis of the registered Will dated 13.09.2010 along with respondents 1 to 3 and rank them as appellants 2 to 4 in the above Second Appeal No. 839 of 2007.

2. A counter affidavit has been filed by respondents 1 to 3 opposing the impleadment of Pavayammal as the legal heir of the deceased appellant, namely, Late Kandasamy Gounder, on the ground that she is not his legal heir. According to respondents 1 to 3, Chellammal is the first wife of Late Mr.Kandasamy Gounder and Pavayammal is not his legally wedded wife.

3. Eventhough serious objection has been raised by respondents 1 to 3 in the counter affidavit for the impleadment of Pavayammal as one of the legal heirs of the deceased appellant Kandasamy Gounder, this Court is

of the considered view that no useful purpose will be served if this application is decided on merits at this stage, that too, when the Second Appeal is of the year 2007. Therefore, this Court is of the considered view that, without prejudice to the rights and contentions of respondents 1 to 3, with regard to impleadment of Pavayammal as one of the legal heirs of the deceased sole appellant, this application can be allowed. The learned counsel for respondents 1 to 3 has also not raised any serious objection to the suggestion given by this Court.

4. Accordingly, the Civil Miscellaneous Petition is allowed as prayed for, without prejudice to the rights and contentions of respondents 1 to 3 and they can raise all objections available to them in law, as regards the impleadment of Pavayammal as one of the legal heirs of the deceased sole appellant in the main Second Appeal No. 839 of 2007, when it is taken up for final disposal.

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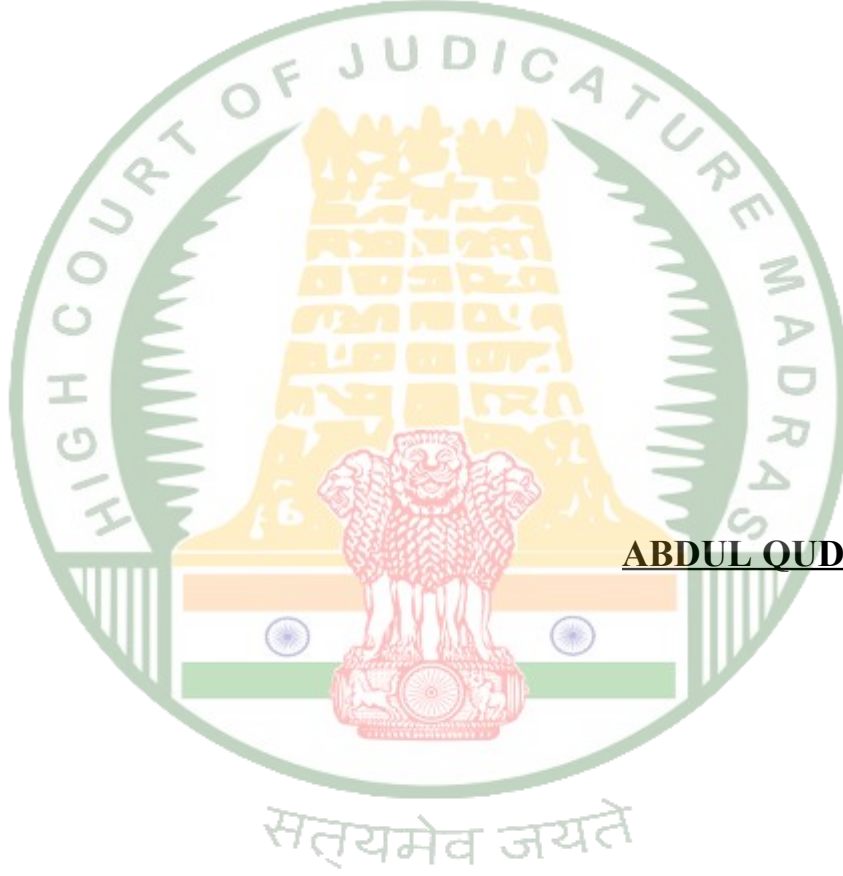
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(**Note to Office:** Registry is to carry out
necessary amendment in the cause title)



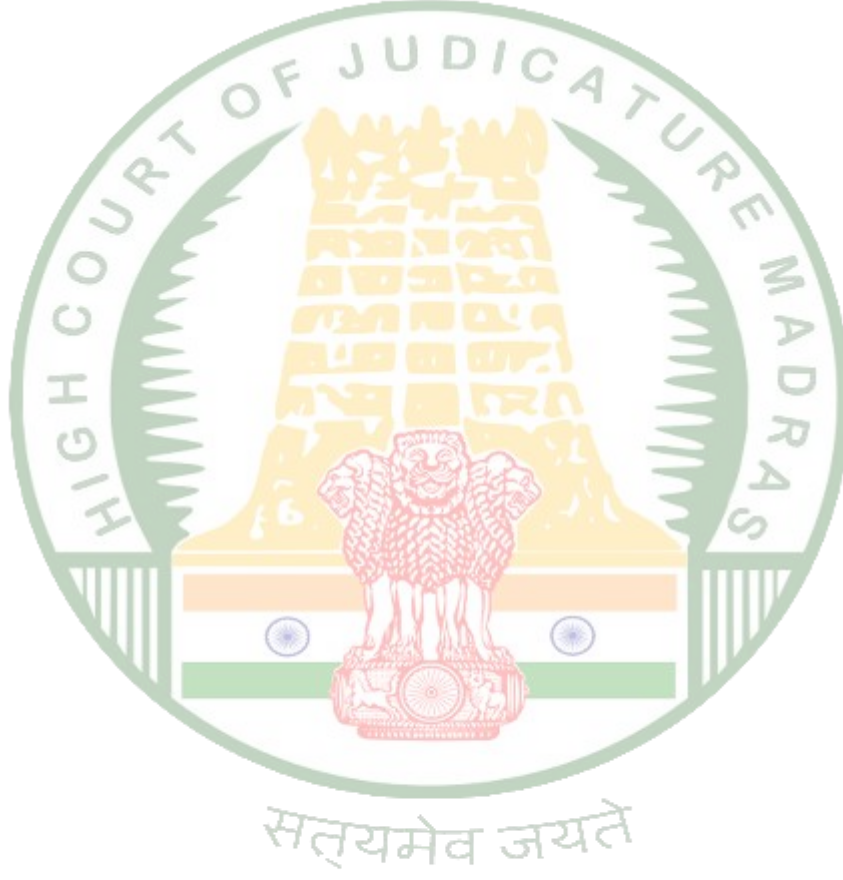
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