

A.No.3177 of 2020
in
C.S.No.363 of 2006

P.T.ASHA,J.

The above application is filed for impleading the known legal representative of the deceased first defendant. The death of the first defendant was brought to the knowledge of the plaintiff only when a memo dated 25.01.2020 was filed by the counsel who appeared for the first defendant had no instructions who had only informed the counsel that the first defendant was no more. The erstwhile counsel while unable to give the details of the legal representative, however, the cause title would indicate that the proposed fourth respondent/fourth defendant is the son of the first defendant Muthappa Chettiyar. Therefore, in order to prevent the suit from being dismissed as abated insofar as the first defendant is concerned, the above application is filed.

2. In the affidavit filed in support of the petition, the applicant has also undertaken to bring on record the other legal heirs, if their details are brought to his notice. Notice sent to their last known address is returned.

3. Recording the above undertaking, this petition is ordered and the fourth respondent is recorded as the legal representative of the deceased first defendant and brought on record as the fourth defendant herein.

P.T.ASHA,J.

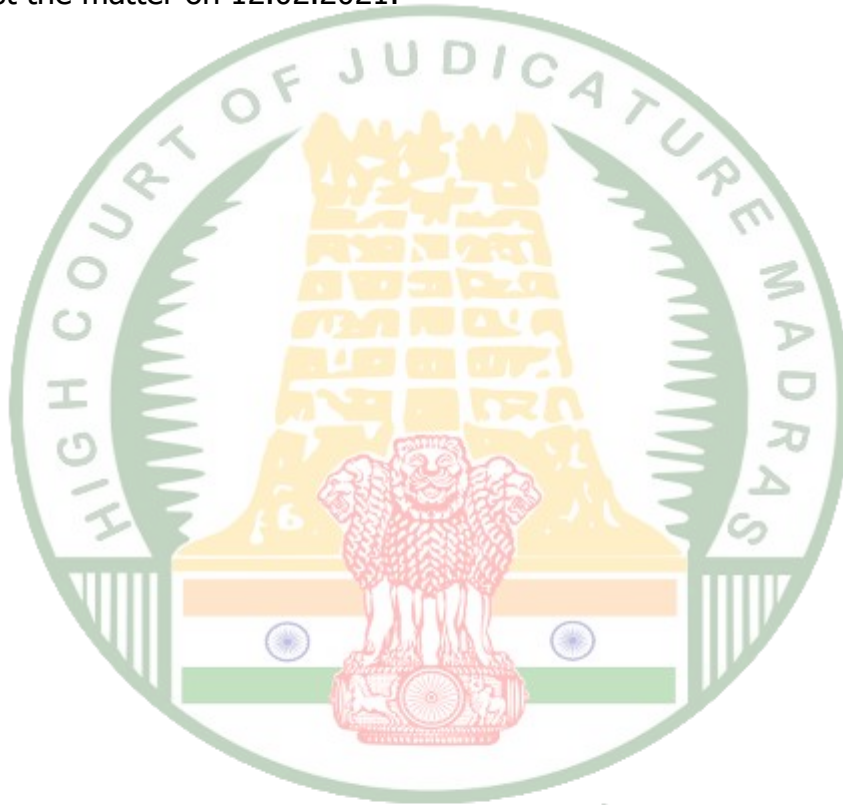
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4. Learned counsel for the plaintiff shall carry out necessary amendment and file the amended copy of the plaint by 12.02.2021. Registry shall give necessary assistance to the counsel for carrying out the amendment.

Post the matter on 12.02.2021.

29.01.2021

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