



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Eighteenth day of June Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

C.M.P.(MD)No.2518 of 2021

in

A.S.No.372 of 1998

S.K.LAKSHMI NARAYANAN (DIED)

S.L.SIVAJI

... PETITIONER/PROPOSED APPELLANT

Vs

1 R.SHENBAGAVALLI

2 MINOR R.SREEDEVI

3 MINOR R.SENTHILKUMAR

(MINORS 2 AND 3 REP. BY MOTHER
AND NEXT FRIEND VASANTHA)

4 K.RAMAMURTHY

5 S.L.KUPPUSAMY

6 S.L.CHINNA KUPPUSAMY

7 S.L.MOTHILAL

8 S.L.KUPPAMMAL @ LAKSHMI

9 ANUSIYA @ LAKSHMIAMMAL

10 PRABAVATHI

11 INDIRA

12 SAI PRASANNA DEVI

13 S.L.USHA

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to bring on record the respondents 5 to 13 herein as the legal representatives of the deceased sole appellant S.K.Lakshmi Narayanan Iyer and rank them as the respondents 5 to 13 respectively in the above appeal AS No.372 of 1998.

PRAYER IN A.S.No.372 of 1998:

To prefer this Memorandum of Regular Appeal against Judgment and Decree of the court of Subordinate Judge, Ramanathapuram in O.S.No.53/95 dated 30th September 1997 in decreeing the suit for partition and in declaring the sale deed is null and void.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.RAMESH Advocate for MR.P.S.SUBRAMANIAM, Advocate for the petitioner and of MR.T.SRINIVASA



RAGHAVAN, Advocate on behalf of the 1st Respondent and MR.R.RAMADURAI, Advocate for the Respondents 2 & 3, the court made the following order:-

O.S.No.53 of 1995 on the file of the Sub Court, Ramanathapuram, was a suit for partition filed by one Shenbagavalli and her minor children. The first defendant in the suit is none other than the husband of Shenbagavalli. The second defendant/Lakhsmanan Narayanan is said to have purchased the suit property from the first defendant. The suit for partition was decreed on 30.09.1997. Questioning the same, this first appeal came to be filed. In the meanwhile, the contesting defendant/second defendant passed away. The first appeal was filed by the son of the second defendant namely., S.L.Sivaji. The first appeal is not being taken up for disposal because service on some of the respondents could not be effected. It is seen that the unserved respondents are none other than the other legal heirs of the contesting defendant. If those legal heirs felt that they should step into the shoes of the deceased contesting defendant, they should have filed the appeal or atleast they should have entered appearance in this appeal. When the plaintiffs are very much present before this Court, there can be no difficulty in disposing of the appeal on merits. This Court needs not wait for the other legal heirs of the contesting defendant to enter appearance.

2.The civil miscellaneous petition is closed accordingly.

sd/-

18/06/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO
THE SUBORDINATE JUDGE, RAMANATHAPURAM.

ORDER
IN
C.M.P. (MD)No.2518 of 2021
in
A.S.No.372 of 1998
Date :18/06/2021

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<https://hcmjce.org.in/Files/2021/06/2021/2P/2C>