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A.Nos.514 & 515 of 2022
in CS.No.114 of 2009

V. BHAVANI SUBBAROYAN, J.

The plaintiffs 3 to 6 were represented by the second defendant A.Danial by way of Power of Attorney. Now, the second defendant A.Danial died and the plaintiffs 3 to 6 are majors and they have to represent on their own.

2.Application No.514 of 2022 has been filed to pass an order to amend the plaint by deleting the following words in the short cause title and long cause title after the sixth plaintiff, plaintiffs 3 to 6 represented by their Power of Attorney A.Daniel the second plaintiff herein in the above suit.

3.It is submitted that already independent Vakalat has been filed by the counsel for the plaintiffs.

4.Application No.515 of 2022 has been filed to pass an order to implead the 32nd respondent as proposed 32nd defendant in the above suit.



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5. Now there are 31 defendants in the suit and one V. Rajagopal and 17 others represented by their Power of Attorney T. Shanthilal sold a portion of 'A' schedule property to and in favour of one Smt. Prema Bai by means of a Sale Deed dated 30.05.1991 under Document No. 2944 of 1991. V. Ramachandran, the 11th defendant herein sold 'A' schedule property to various persons wherein the plaintiffs are entitled 2/5 share in the suit properties. The plaintiffs added all the purchasers of 'A' schedule property. But due to inadvertence, the 32nd defendant was omitted to be brought as party defendant in the suit.

6. Thereafter the trial was completed by examining PW1 on the plaintiffs side and DW1 and DW2 on the defendants side, the defendants 15, 17, 20, 21 and 29 filed three applications. One is to receive additional written statement and other applications are to re-open the case and to re-call DW1. Hence they filed this application to implead the 32nd defendant in the suit as necessary party and if not allowed it will put great hardship and it will lead to multiplicity of proceedings in future.

7. Having satisfied with the reasons stated in these affidavits filed in support of these applications, these applications are allowed.



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8. Registry is directed to carryout the necessary amendment.

9. Notice to the 32nd defendant returnable by 21.03.2022. Private notice is also permitted.

10. Registry is also directed to number the applications pending in D.Nos.37674 to 37676 of 2020 if it is otherwise in order and list the matter on 21.03.2022.

14.02.2022

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