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C.M.P.Nos.662 of 2010 & 10020 of 2022
in
S.A.No.252 of 2004
C.V.KARTHIKEYAN,J.

These two applications have been filed consequent to the death of the appellant Selvaraj.

2.Application in CMP.No.662 of 2010 had been filed to bring on record his legal representatives as further appellants 2 - 5. Pending the said application, it transpired that the 5th appellant viz., Ammani ammal, who was brought on record, had also died. Fortunately, one of the legal representatives already on record is the proposed appellant No.2. Therefore, CMP.No.10020/2022 had been filed seeking to recognize the proposed second appellant also as one of the legal representatives of the deceased 5th appellant, who was also impleaded as one of the legal representatives of the first appellant herein.

3.In view of the fact that, as contended by the learned counsel for the appellants Ms.S.Janani, the suit being one for partition, it would only



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be appropriate that the legal representatives are permitted to contest the second appeal, and further, the second appeal had also been admitted and the substantial questions of law were also framed, a duty is cast on the Court for answering the substantial questions of law.

In view of that particular angle, it is only prudent that the legal representatives are actually brought on record. Therefore, the civil miscellaneous petitions are allowed.

sms

06.07.2022



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C.M.P.Nos.662 of 2010 & 10020 of 2022

in

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C.M.P.Nos. 23, 24 & 25 of 2014

in

S.A.No.252 of 2004

C.V.KARTHIKEYAN,J.

These three applications have been filed consequent to the death of the first respondent and seeking to condone the delay in filing the application to set aside the abatement and to set aside the abatement and to bring on record the legal representatives as the respondents 2 to 6.

2.Counsel had entered appearance on behalf of the first respondent. The second appeal emanates from the suit for partition, which naturally indicates that the parties would be satisfied if only the Court proceedings and partition suit culminate in any final decision rendered indicating the respective shares of the parties, as the death of one of either of the plaintiffs or the defendants should not come to obstruct such procedures.

C.V.KARTHIKEYAN,J.



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3.In view of that particular angle, I would condone the delay in filing the application to set aside the abatement and would also set aside the abatement and to bring on record the legal representatives as stated. Therefore, these three applications are allowed.

sms

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C.M.P.Nos. 23, 24 & 25 of 2014

in

S.A.No.252 of 2004

(2/3)



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S.A.No.252 of 2004

C.V.KARTHIKEYAN,J.

Registry may note the death of the first appellant and to bring on record his legal representatives as appellants 2 – 5 as indicated in CMP No.662 of 2010 and further, note the death of 5th appellant Ammani Ammal and indicate that the proposed second appellant is the legal representatives of the 5th appellant. Registry may also note the death of the respondent and to bring on record as his legal representatives as respondents 2 to 7 as shown in CMP Nos.23, 24 & 25 of 2014.

2.Post the second appeal for arguments on 19.08.2022. No further adjournment will be given.

sms

06.07.2022

C.V.KARTHIKEYAN,J.



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S.A.No.252 of 2004

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