



A.No. 1625 of 2022

in

C.S.No.640 of 2009

V.BHAVANI SUBBAROYAN, J.

This application has been filed to modify the order dated 11.01.2022 passed in A.No.4270 of 2021 and appoint the Applicant, the 8th defendant herein, as the guardian of the 9th and 10th defendants in place of Ms.Vasudha Thiagarajan.

2. The petitioner herein and she is impleaded as the 8th defendant in the above suit vide order dated 11.01.2022 in A.No.4269 of 2021. She is the wife of the deceased 3rd defendant and the mother of the 9th and 10th defendants. The petitioner/8th defendant has received a notice from the learned counsel for the plaintiff with respect to A.No.4269 of 2021 to implead the legal heirs of the deceased 3rd defendant herself, her two children and A.No.4270 of 2021 to appoint her as the guardian and next friend to her children for the purpose of the suit proceedings, to be called on 11.01.2022 before this Court. Due to certain difficulties and miscommunication in instructing her counsel, her counsel was unable to represent her and her children on the said date.

This Court vide its order dated 11.01.2022 was pleased to allow the

above said applications and impleaded her two children and herself as



the 8th to 10th defendants in the suit. On 11.01.2022, this Court has also appointed a Court Guardian, viz., Ms.Vasudha Thiagarajan learned counsel for the 9th and 10th defendants. Subsequently, in the hearing dated 18.02.2022, she was represented by her counsel who undertook to file Vakalath for the 8th to 10th defendants and take necessary steps for the same. Due to non-representation on 11.01.2022 was neither willful nor wanton but only due to miscommunication with her counsel. As the mother and natural guardian of the 9th and 10th defendants, it would be just and proper and she has been appointed as the guardian of the 9th and 10th defendant and therefore, this Court is of the view that the matter has to be replaced and hence, this application is allowed.

3. Accordingly, this application is allowed. No costs.

4. Registry is directed to place the matter before the learned Master for trial on the first week of June, 2022.

12.04.2022

msm

Note: Counsel for the plaintiff is directed to carry out necessary amendment if any.



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