



A.No.1599 of 2022
in
C.S. No.600 of 2003

V.BHAVANI SUBBAROYAN., J.

This application has been filed to substitute Mrs. Poorna Nandhini/3rd applicant herein in place of the deceased 1st plaintiff viz., M. Venugopal and substitute in his place and rank her as 3rd plaintiff herein in the aforesaid suit.

2.The learned counsel for the plaintiffs would submit that the 1st plaintiff namely M. Venugopal, died intestate on 15.09.2017 at Chennai who is the father of the 2nd plaintiff in the suit. In the stage of part heard, it is just and necessary to substitute the 3rd applicant/proposed 3rd plaintiff herein namely Mrs. M. Poorna Nandhini who is the wife of the 2nd applicant/2nd plaintiff in the suit, aged about 47 years, in the place of the deceased 1st plaintiff. In view of the suit filed under Section 92 of Civil Procedure after obtaining leave from this Hon'ble Court, it is mandatory, two or more persons alone can maintain a Scheme Suit. Unless the proposed plaintiff/3rd applicant not to be impleaded in the suit, the



applicant will be put to irreparable loss and hardship. Hence, this application has been filed to substitute the 3rd applicant herein in place of the deceased 1st plaintiff M. Venugopal and permit her to continue the suit as 3rd plaintiff.

3. On a perusal of the records, it is seen that in the aforesaid matter counsel on record Mr. Mohan appearing for the defendants was expired and his junior counsel also not received the notice, hence the learned counsel for the applicants/plaintiffs sent notice to the respondents/defendants on 18.03.2022. They have also enclosed the copy of the notice along with acknowledgment as proof of service. The registered cover sent to the respondents/defendants has been returned as the addressee door is locked.

3. Under such circumstances, this Court is inclined to allow the application to substitute Mrs. Poorna Nandhini/3rd applicant herein in place of the deceased 1st plaintiff viz., M. Venugopal and substitute in his place and rank her as 3rd plaintiff in the aforesaid suit. However, after carrying out the necessary amendment in the plaint, issue notice to the correct



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address of the respondents/defendants as well as to the proposed party
returnable by 27.04.2022. Private Notice is also permitted.

Post on 27.04.2022.

11.04.2022

Lbm



WEB COPY



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