



C.M.P.Nos.6594 & 6614 of 2022 in S.A.No.1756 of 2004
and
C.M.P.Nos.7137 & 7149 of 2022 in S.A.No.1755 of 2004

C.V.KARTHIKEYAN,J.

The first respondent Palanisamy Gounder died pending the two second appeals. This necessitated bringing on record the legal representatives of the first respondent. They are shown as respondents 11, 12 and 13. However, since the applications had not been filed within the stipulated time, the issue of abatement had crept in and therefore, applications have been filed to set aside the abatement and to bring on record the legal representatives of the first respondent as the respondents 11, 12 & 13.

2.In the affidavit filed, it has been stated that they came to know about the death of the first respondent in the third week of March, 2022. It was stated that the fact was not intimated. Therefore, steps were taken to bring on record the legal representatives. It was stated that the delay is neither will full nor wanton.



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3.The second appeals have been admitted and the suit from which the second appeal emanates was for declaration, which was contested on the ground that there was an earlier family arrangement and therefore, that the suit should have been laid only for partition. It was also claimed that the appellant herein had prescribed title by adverse possession.

4.In view of the fact that the parties appear to be quite interconnected, it would only be appropriate that the Court answers the substantial questions of law already framed as that could give a quietus to the litigation, by which they have been involved for more than a decade. In view of these reasons, I would allow the applications. It is also to be noted that notice had been directed to the proposed respondents and they have been served and counsel had also entered appearance for R11 & R13. The name of R12 is printed. If interested, he may engage a counsel, otherwise the Court shall proceed further the second appeals.

sms

08.07.2022



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