



A.No.1961 of 2022

in

C.S.No.19 of 2022

C.V.KARTHIKEYAN,J.

The suit had been filed for recovery of Rs.4,47,20,890/- out of which the principle sum according to the plaintiff is Rs.2,90,39,539/-. The original individual who was liable for such claim is Guruvan Ayyavu. Unfortunately, he died even prior to the institution of the suit. Since the cause subsisted, the plaintiff had instituted the suit against his legal representatives namely, his widow as the 1st defendant, his son as the 2nd defendant and whom the plaintiff claimed to be the daughter as the 3rd defendant.

2.I must place on record the statement made by Mr.S.Rajendra Kumar, learned counsel for the plaintiff who stated that the said description of the 3rd defendant is not correct and that she is actually a daughter-in-law. Naturally, she cannot be made liable since her husband and her mother-in-law are already parties to the suit and they class – I heirs. Necessary steps may be taken, therefore to delete the 3rd defendant as a party to the suit.

3.Mr.S.Rajendra Kumar, learned counsel, further stated that the plaintiff is not aware of the details of the other legal representatives, if any of Guruvan Ayyavu.

4.The learned counsel who had entered appearance on behalf of the



defendants may therefore come forward and give a list of the legal representatives of Guruvan Ayyavu.

5.The learned counsel for the defendants stated that the matter is coming up for the first time and he is always ready and willing to produce the list of legal representatives.

6.Quite apart from that fact which touches upon the frame of the suit, the present application had been filed seeking attachment before judgment of a particular property and naturally, the first step to be to issue a direction to furnish security. But again Mr.S.Rajendra Kumar, learned counsel, stated that the property mentioned in the Judges Summons to this particular application is the individual property of the 2nd defendant.

7.Therefore, it may not be proper on the part of the plaintiff to call upon the 2nd defendant to honour the commitment of his father from a property earned by himself. It can done so only from the property which he had inherited from the estate of the father or had benefited from the estate of the father.

8.The application is dismissed as withdrawn. However, if the plaintiff



is aware of any property to which any of the legal representatives had directly benefited, necessary application may be filed, if cause exists to file such application.

12.09.2022

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