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*A.No.4469 of 2022
in C.S.(Comm. Div.)No.35 of 2021*

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in
C.S.(Comm. Div.)No.35 of 2021

M.SUNDAR, J.,

In these proceedings, parties shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

2. This order will dispose of the captioned application.

3. Mr.K.Sai Sharavan Kumar, learned counsel on record for sole plaintiff and Mr.K.C.Ramamurthy, learned counsel for second defendant are before this Commercial Division.

4. Third defendant (Mrs.Parvathaneni Shalini Kumar) died, date of demise is 22.01.2022 and this has necessitated filing of the captioned application. To be noted, captioned application was preceded by A.No.4468 of 2022 with a prayer to set aside the abatement and the prayer has been acceded to vide a separate order made today (27.10.2022).



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5. This order has to be read in conjunction with and in continuation of separate order made today in A.No.4468 of 2022 in C.S.(Comm. Div.)No.35 of 2021.

6. In the light of the narrative thus far, as the abatement has been set aside, it is now a sequitur that the legal heirs of third defendant have to be brought on record.

7. Learned counsel for plaintiff submits that the spouse and one son of third defendant are the legal heirs (to be noted, there are respondents 2 and 3 in the captioned application) and they have to be brought on record as co-defendants.

8. Learned counsel for second defendant very fairly submits that he is not opposing the prayer. Learned counsel also submits that the proposed co-defendants (legal heirs of deceased third defendant) have given instructions to file vakalatnama and that learned counsel would file vakalatnama on necessary amendment being carried out.



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9. To be noted, it will suffice to say that the main suit is a money suit (claim arises out of a joint venture) and this is only for completion of factual narrative and it is not necessary to go into this.

10. Learned counsel for plaintiff to carry out necessary and consequential amendments within a fortnight from today i.e., on or before 10.11.2022. Learned counsel for plaintiff to furnish amended copy to counsel for second defendant within one week therefrom i.e., by 17.11.2022. Learned counsel for second defendant shall thereafter enter appearance for co-defendants proposed to be added within one week therefrom i.e., by 24.11.2022.

11. Captioned application ordered in the aforesaid manner. There shall be no order as to costs.

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