



WEB COPY **C.M.P.Nos.11452, 11443 & 11457 of 2021 & 11445, 11449 & 11450 of 2021 in S.A.No.2032 of 2003**
C.V.KARTHIKEYAN,J.

The first three applications have been filed consequent to the death of the first appellant and to bring on record his legal representatives as appellants 3 to 8 after condoning the delay in filing the application to set aside the abatement and to set aside the abatement.

2.The first appellant in the second appeal was the first defendant in the suit. An alternative relief of partition of the properties had been granted to the respondent, who was the plaintiff. The second appeal had also been admitted and substantial questions of law have been framed particularly with respect to grant of such alternative relief of partition to the respondent/plaintiff. Pending the second appeal, both the appellants had died. The sole respondent had also died.

3.These first three applications have been filed as aforesaid with respect to the first appellant and simultaneously, CMP.Nos.11449, 11445 & 11450 of 2021 have also been filed with respect to the second appellant



and seeking to bring on record her legal representatives as appellants 9 & 10 after condoning the delay in filing the application to set aside the abatement and to set aside the abatement.

4. Since the cause of action is continuous and partition will give a finality to the issues raised in the suit, and the substantial questions of law which have been framed will have to be answered, even though there is a delay in filing the applications to bring on record the proposed appellants as parties to contest the appeal, these applications are allowed.

sms

06.07.2022

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