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C.M.P.Nos.11451, 11448 & 11453 of 2021

in

S.A.No.2032 of 2003

C.V.KARTHIKEYAN,J.

These three applications have been filed consequent to the death of the sole respondent, who was the plaintiff in the suit, from which suit, the second appeal had emanated. As a matter of fact, the first appellate Court had interfered with the judgment of the trial Court. The trial Court had dismissed the suit. The first appellate Court had allowed and granted a decree with respect to the alternative relief sought.

2.Whether the relief of partition could be legally granted or not is one of the substantial questions of law raised by the appellants in the second appeal. Pending the appeal, both the appellants and also the sole respondent had died.

3.Applications have been filed seeking to bring on record the legal representatives of the appellants. Notice had been directed. Notice had been served. There is no indication of any counsel having entered

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appearance. However, no purpose would be served in holding over the said Civil Miscellaneous Petitions still on the board of the Court. Therefore, the Civil Miscellaneous Petitions are allowed.

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06.07.2022

C.M.P.Nos.11451, 11448 & 11453 of 2021
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Registry may note the death of the first and second appellants and to bring on record their legal representatives as appellants as mentioned in the civil miscellaneous petitions, which had been allowed and also the death of the sole respondent to bring on record his legal representatives as respondents as noticed in the civil miscellaneous petitions, which had been allowed.

2.Fresh notice to the respondents 2 & 3 through Court and privately returnable by 27.07.2022. However, list the matter once again on 13.07.2022 for the learned counsel for the appellants to show proof for taking steps.



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