



WEB COPY



**A. Nos.2926 to 2928 of 2021 and A. No.1414 of 2022**  
**in**  
**C.S.No.832 of 2016**

**V.BHAVANI SUBBAROYAN., J.**

**In A.No.2926 of 2021:**

This application has been filed to condone the delay of 1324 days in filing the application to set aside the abatement of the above plaint against the deceased 2nd defendant.

**In A.No.2927 of 2021:**

This application has been filed to set aside the abatement of the deceased Varadaiah/2nd defendant.

**In A.No.2928 of 2021:**

This application has been filed to declare 1st respondent as the legal heirs of Late O.Varadaiah and thereby permit the applicant to bring on record Mrs. V. Ganga Bai and Mr. V. Prema Kumar as 3rd and 4th defendants.

**In A.No.1414 of 2022**

This application has been filed to declare Mrs.P.N. Prasanna Devi who is the 1st respondent/1st defendant in the above suit as sole legal heir



of Late O. Varadaiah, since Ganga bai and Premkumar are reported as died who are the Wife and Son of the deceased 2nd defendant.

2. The learned counsel for the applicant in all aforesaid applications would submit that after death of 2nd defendant, the learned counsel for the defendants has not filed memo to that effect. In view of the non-filing of memo, it was requested to the learned counsel for the defendant to furnish the details of Legal heirs of the deceased 2nd defendant. In reply, it was informed that 2nd defendant namely O. Varadaiah died on 01.08.2017 leaving behind him, his Wife Mrs.V. Ganga Bai, Daughter Mrs.P.N. Prasanadevi who is the 1st defendant in the aforesaid suit and son namely Mr. V. Premkumar as legal heirs of the deceased/2nd defendant.

3. It has been further submitted that if the daughter of Late O.Varadaiah, namely Mrs. Prasanna Devi, is already on record as the 1st defendant in the suit, the Applicant/plaintiff has filed applications in A.Nos.2926 to 2928 of 2021 to implead the other legal heirs of the deceased. On hearing of these applications, notices were ordered to Wife



and Son of Late O. Varadaiah/2nd defendant who were the proposed parties namely Mrs.V. Ganga Bai and Mr. Premkumar and the said notices sent to them were returned as deceased.

4. The learned counsel for the applicant/plaintiff would further submit that in view of the death of the said Mrs. Ganga Bai and Mr. Prem Kumar, who are wife and son of Late O. Varadaiah/2nd defendant respectively, the 1st defendant namely Mrs.P.N. Prasanna Devi alone who is the daughter of Late O. Varadaiah is left as legal heir of the deceased. Except the 1st defendant who is the daughter of 2nd defendant, other legal heirs were informed as deceased. Hence, A.No.1414 of 2022 has been filed to declare the /1st respondent/1st defendant as the sole legal heir of Late O. Varadiah/2nd defendant.

5. The learned counsel for the respondents/defendants has not opposed with regard to the aforesaid averments.



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**V.BHAVANI SUBBAROYAN., J.**

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6.Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, this Court is inclined to allow the A.No.1414 of 2022. Since the 1st respondent/1st defendant is already on record in the suit and surviving presently and other legal heirs were intimated as deceased, other applications are closed.

7.Accordingly, the learned counsel for the applicant/plaintiff is directed to carry out the necessary amendment in the plaint.

8. Post on 14.06.2022.

**19.04.2022**

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