



C.M.P.No.14146 of 2022 in
A.S.Sr.No.86510 of 2022

R.N.MANJULA. J.,

This Civil Miscellaneous Petition has been filed to accept the cause title of the respondents 1 to 3 in the appeal suit.

2.The learned counsel for the appellant submitted that after the arguments were heard by the trial Court on 08.04.2022, the case was reserved for judgment on 29.04.2022; the plaintiff died on 17.04.2022 in a road traffic accident by leaving the respondents 1 to 3 as his legal heirs; since the death of the plaintiff had taken place subsequent to the conclusion of the trial and the judgment was reserved, it was not possible to bring the legal heirs of the deceased plaintiff in the suit itself.

3.The adjudication details of the case in O.S.No.250 of 2015 were furnished by the learned counsel for the petitioner and it revealed that the judgment was reserved on 08.04.2022 and then to 29.04.2022. However the judgment have been delivered only on 13.06.2022. At the time when the plaintiff died, the suit was reserved for judgment. So it is true that the legal heirs of the deceased plaintiff could not have been brought on record.

4.Considering the other circumstances, the Civil Miscellaneous Petition is allowed and the Registry is directed to number the appeal if it is otherwise in order.

26.08.2022

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