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CMP.Nos.17853 & 18040 of 2021
in AS Nos.227 & 226 of 2017
and
Cross Objection No.13 of 2020

The appellant in both the First Appeals are the same. But unfortunately, the appellant in A.S.No.227 of 2017, R.Ponnusamy had died and he was the first appellant in A.S.No.226 of 2017. There were other appellants and the 4th appellant, P.S.Saravanan had also died.

2.These two applications have therefore been filed to bring on record the legal heirs as further appellants in AS.No.226 of 2017 and also in A.S.No.227 of 2017.

3.A perusal of the affidavit filed in support of the applications reveals that R.Ponnusamy who is the common appellant in both the appeals had died on 28.05.2021 and the 4th appellant, P.S.Saravanan also unfortunately died on 06.07.2021. They were both in hospital having suffered from Covid – 19 pandemic. In view of the fact that the Hon'ble Supreme Court and also this Court had extended the period of limitation which had accrued owing to Covid – 19 pandemic, there cannot be any delay to be considered in filing the applications. Hence, I would allow



4.Learned counsel for the respondents is also present through video conferencing.

5.The Registry may carry out necessary amendment in both the Appeals namely, A.S.Nos.226 and 227 of 2017 indicating the death of R.Ponnusamy and P.S.Saravanan and bring on record their legal representatives. The Registry may also carry out necessary corrections in the cause title.

6.Learned counsel for the appellant in both the appeals may file a fresh amendment to the grounds of appeal and serve the copy to the learned counsel for the respondents.

7.Let me not stand on formality, and in Cross Objection No.13 of 2020, the aforementioned R.Poonusamy, had been shown as the 1st respondent and naturally, since judicial notice had been taken during the order of the Civil Miscellaneous Petitions herein that he had died, it would only be appropriate that his legal representatives are also simultaneously brought on record.



8.The Registry may therefore make necessary amendment in the cause title in the Cross Objection Petition indicating the death of R.Ponnusamy and bring on record his legal representatives simultaneously as stated in AS Nos.226 & 227 of 2017. Learned counsel for the cross appellants may also file a fresh amended copy of the grounds of appeal and serve the copy to the learned counsel for the respondents.

9.Post both the Appeals and Cross Objection Appeal on 11.03.2022.

25.02.2022

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