

**C.M.P.No. 19282 of 2019****IN****A.S.No. 748 of 2018****C.V.KARTHIKEYAN, J.**

A petition has been filed consequent to the unfortunate death of the first respondent, who was also the first defendant before the trial Court, to bring on record his legal representatives as respondents 6 and 7.

2. In the affidavit filed in support of the said application, it had been stated that the suit in O.S.No. 38 of 2013 had been filed for partition and separate possession. Questioning the Judgment and Decree dated 30.01.2018, the appeal has been filed. Pending the Appeal, the first defendant/first respondent herein died, necessitating the filing of the present petition to bring on record the legal representatives.

3. In view of the fact that in a suit for partition, it would only be appropriate that all those who are entitled to a share are parties to the suit, this Petition is allowed.

4. Registry is directed to carry out necessary amendment in the cause title in the First Appeal incorporating the legal heirs of the deceased respondent 1 as respondents 6 and 7.



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**C.V.KARTHIKEYAN, J.**

**vsg**

5. Mr. K.V.Ananthakrushnan, learned counsel placed a request that appearance would be made on behalf of the respondents 6 and 7/legal heirs of the deceased.

6. Registry may also examine if vakalath has been filed and print the name of Mr.K.V.Ananthakrushnan, as counsel for the respondents 6 and 7.

7. A small rectification may be made in the cause list by indicating that Mr. N.Palanisamy, appears for the fifth respondent in the Appeal itself.

8. List the matter for hearing the Appeal on 23.02.2022.

Vsg

07.02.2022

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