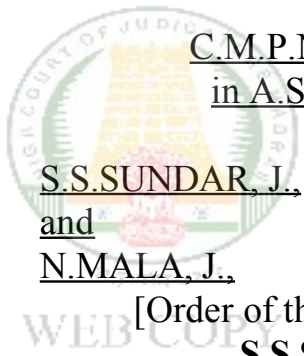




C.M.P.No.19443 of 2022
in A.S.No.996 of 2005



S.S.SUNDAR, J.,
and
N.MALA, J.,

[Order of the Court was made by
S.S.SUNDAR, J.,]

This petition is filed under Order 22 Rule 4[4] of CPC to exempt the petitioners/appellants from bringing the LR's of the deceased respondents 5 and 6 on record in the above appeal.

2. In the affidavit filed in support of the petition, it is stated that the 5th respondent and 6th respondent in the appeal died. Since the 5th respondent who is the 2nd defendant before the Lower Court remained ex parte, the petitioners may be right in filing this application seeking exemption. However the 6th respondent is the 3rd defendant in the suit and as against the 3rd defendant/6th respondent the suit itself was dismissed. Therefore the application as against the 6th respondent cannot be entertained.

3. The petition is partly allowed. While the petitioners/appellants are exempted from bringing on record the legal representatives of the deceased 5th respondent, the prayer as regards the 6th respondent is rejected.