



WEB COPY



C.M.P.No.2423 of 2023
in S.A.No.1140 of 2013

P.T.ASHA.J

The above second appeal arises out of a suit O.S.No.8692 of 1997 filed by the deceased 1st respondent on the file of the V Assistant Judge, City Civil Court, High Court, Madras.

2. The 1st respondent had filed the suit in a representative capacity. He has passed away on 14.02.2010. Therefore, the plaintiff remains un-represented before this Court. The appellant has filed this petition to implead the respondents 6 to 16 as respondents 7 to 16 in the above second appeal in the place of the deceased 1st respondent.

3. It is brought to the notice of this Court that the respondents 8 to 14 are today functioning as trustees, though the Board has not recognised him. However, the entire activity is being carried out by the respondents 8 to 14 alone. Therefore, there is no necessity to implead any other persons other than respondents 8 to 14 in the place of the deceased 1st



respondent. Respondents 6 and 7 are sought to be impleaded as the legal heirs of the deceased 1st respondent. The presence of the respondents 6 and 7 as legal representatives is not required, as the deceased has himself filed the suit only in a representative capacity. Likewise, respondents 15 and 16 are sought to be impleaded as persons belonging to the community. Considering the fact that the respondents 8 to 14 are the persons who are now acting as trustees, their presence would suffice.

4. In view of the above, **C.M.P is partly allowed** by impleading the respondents 8 to 14 in the place of the deceased 1st respondent as respondents 7 to 13 in the above second appeal. **The Registry is directed to carry out the necessary amendment.**

5. The second appeal is ripe for arguments and post the same for hearing on 24.03.2023.

28.02.2023



P.T.ASHA.J

srn

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