



C.M.P.No.3150 of 2023
in A.S.No.329 of 2016

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S.S.SUNDAR, J.
AND
P.B.BALAJI, J.

(Order of the Court was made by S.S.SUNDAR, J.)

The above Civil Miscellaneous Petition has been filed to transpose the 3rd appellant as the 5th respondent in the appeal in A.S.No.329 of 2016.

2. The brief facts that are necessary for the disposal of this miscellaneous petition are as follows :

The appeal is directed against the judgment and decree in O.S.No.21 of 2011 on the file of the IV Additional District Court, Ponneri, Tiruvallur District. The defendants 1, 3 and 4 are the appellants 1 to 3. The suit is for preliminary decree of partition of 1/5th share.

3. It is the case of the 2nd appellant that after the death of the 1st appellant, the 3rd appellant took a different stand regarding the manner of division of property and therefore, he has also sought for change of vakalat from the present counsel.



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4. This Court directed notice to the 3rd appellant and found that the 3rd appellant is served on 21.02.2023.

5. There is no objection from any other respondents and the 3rd appellant is not represented by anyone. Hence, this Court finds merit in this miscellaneous petition. Since this miscellaneous petition is not opposed, this Civil Miscellaneous Petition is ordered, as prayed for.

Post the appeal in A.S.No.329 of 2016 for “final hearing” on 14.06.2023.

(S.S.S.R., J.) (P.B.B., J.)
19.04.2023

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