



A.Nos.1341 and 1376 of 2023
in C.S.No.510 of 2006

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R.N.MANJULA,J.

The applications in A.Nos.1341 and 1376 of 2023 have been filed by the proposed parties to bring on record themselves as legal representatives of the deceased 1st defendant and the 4th defendant respectively.

2. Though there is no dispute about the above legal heirs, the records would show that earlier the plaintiff has filed an application in A.No.5495 of 2022, to implead the legal representatives of the deceased 1st defendant born through the 20th defendant as defendants 32 and 33. While deciding the said application, the learned counsel for the 1st defendant had raised objection that the 20th defendant is not the legally wedded wife of the 1st defendant. At that time the Court has recorded as follows:

“3. As and when the alleged legally wedded wife of the 1st defendant comes before this Court with necessary application, the Court will have an occasion to decide on the legal status of the 20th defendant.

4. The 20th defendant is recorded as the wife of the 1st defendant and other respondents are impleaded as heirs of the deceased 1st defendant.”



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3. However, A.No.1341 of 2023 has also been filed by the applicants claiming themselves as the legal heirs of the deceased 1st defendant and to implead them as parties to the proceedings.

4. Today, when the matter is taken up for hearing, objections have been raised by the learned counsels for D1, plaintiff, D20, D26, D32 and D33 that the proposed defendant 34 viz., E.Vijayalakshmi is not the legally wedded wife of the deceased 1st defendant. It is to be noted that D20 has already been set exparte.

5. The learned counsel for D20 submitted that she is going to take steps to set aside exparte order and she would raise her valid objection for the submissions made today by the other defendants about the marital status of D20.

6. The order dated 07.02.2023 was passed in the presence of the counsels for the 1st defendant only, without considering the objection made by the other applicants or parties to the suit. A.No.1341 of 2023 was not filed at the time of allowing the said petition in A.No.5495 of 2022 and hence they could not have been heard.



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7. Since the parties have come up with the respective applications by claiming certain interest in the suit property, I feel the applications can be allowed, leaving open the issue as to whether D20 or the proposed respondent 34 namely Vijayalakshmi is the legally wedded wife of the deceased 1st defendant and which can be decided in the suit after completion of filing of the pleadings by the respective parties and after framing additional issues to that effect.

8. With these observations, both the applications are allowed. The applicants in A.No.1341 of 2023 shall be impleaded as defendants 34 to 36 and the applicants in A.No.1376 of 2023 shall be impleaded as defendants 37 to 40 in the suit. The plaintiff is directed to carry out necessary amendment in the plaint.

16.03.2023

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