



C.M.P.No. 10283 of 2023

in

C.M.A. No. 3702 of 2011

T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to implead 3rd petitioner as the 3rd appellant in the above C.M.A.

2. Mr.A.E.Ravichandran, learned counsel for petitioners/appellants submitted that pending appeal, the 1st appellant died on 29.01.2023. He would submit that as the 1st appellant settled his entire property in favour of his son/proposed party. Hence, to implead him as necessary party to the proceedings, he has filed the above petition.

3.Mr.R.Prabakar, learned counsel for respondents raised strong objections stating that during the pendency of the proceedings, the said settlement deed was executed. Hence, he prayed to dismiss this petition.

4. Considering the facts and circumstances, and the fact that the Second Appeal is pending from the year of 2011 and it is true that during the pendency of proceedings, the settlement deed was executed by the appellant in favour of his son, subject to proof and relevancy and also being



satisfied with the reasons assigned in the affidavit, the above petition is allowed. The proposed legal representative of the 1st appellant is impleaded as 3rd appellant in the above Appeal.

5. The Registry is directed to carry out the necessary amendment in the cause title and post the matter on 08.08.2023.

17.07.2023

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