



CMP.Nos.25480 & 25486 of 2023

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in

Cros.Obj.No.31 of 2023

in

S.A.No.709 of 2020

S.SOUNTHAR, J.

CMP.No.25480 of 2023 is filed by the petitioners seeking leave to substitute them as appellants 2 to 7 in the main Second Appeal in the place of deceased sole appellant. CMP.No.25486 of 2023 is filed by the petitioners to substitute them in place of deceased first respondent in Cross Objection.

2. According to the petitioners, the deceased sole appellant filed a suit for mandatory injunction and the same was decreed by the trial Court. However, the First Appellate Court reversed the findings of the trial Court and allowed the appeal. Aggrieved by the same, the sole plaintiff/appellant preferred an appeal and pending Second Appeal, he sold the suit property to the petitioners 1 to 6 and thereafter, he died on 07.10.2023. Being a purchaser of the suit property, the petitioners are successor in interest and therefore, they have filed these applications. The petitions are opposed by the respondents on the ground that from the sale deed executed by the petitioners, it is not clear that they have purchased the subject matter of the suit property.



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3. The said point raised by the respondents can be canvassed at the time of arguments of the main Second Appeal. With the above liberty, the present applications are allowed.

4. The Registry is directed to carryout necessary amendment and list the Second Appeal on 14.12.2023.

24.11.2023

dna



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