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C.M.P.No. 3430 of 2023

in

S.A. No. 312 of 2004

T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to bring on record the proposed 10th respondent herein as legal representatives of deceased 1st respondent.

2. Mr.R.Karthikeyan, learned counsel for petitioner/appellant submitted that pending appeal, 1st respondent died on 03.12.2009. He would submit that out of love and affection, she had executed a registered Will dated 11.05.2005 in favour of the petitioner's wife viz., Muthammal stating that after her death, these properties, which are left by her will devolve upon the legatee viz., Muthammal. Hence, the petitioner's wife had become legal representative of deceased 1st respondent. Hence, he has filed the above petition.

3. Mr.Sriram, learned counsel for respondents 2 to 5, Mr.G.Sankaran, learned counsel for 8th Respondent and Mr.R.Karthikeyan, learned counsel for 10th respondent appeared and they have raised formal objections in allowing this petition.



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4. On considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit, this Court is inclined to allow this petition. The proposed legal representative of the 1st respondent is impleaded as 10th respondent in the above Second Appeal. The Registry is directed to carry out the necessary amendment in the cause title.

4. Issue notice to the proposed 10th respondent through court returnable by 05.12.2024. Private notice is also permitted.

5. The learned counsel for appellant is directed to pay batta within three days and also directed to serve typed set of papers to the learned counsel for respondents 2 to 5, 8 and 10.

6. Post the matter on 05.12.2024.

05.11.2024

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