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Application Nos. 1634 and 1633 of 2024
and T.O.S. No. 18 of 2021
and C.S. No. 164 of 2023

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C.V.KARTHIKEYAN, J.

Both these applications have been filed seeking to set aside the abatement and bring on the legal representatives of the first plaintiff. The first plaintiff, viz., S.Raghavan had died pending these proceedings on 20.09.2023.

2. In the affidavit filed seeking to explain about the abatement, it had been stated that the legal heirship certificate has been applied and there has been a delay in obtaining the same.

3. Taking into consideration the fact that the suit had been filed seeking partition and for separate possession and also simultaneously there is also a Testamentary and Original Suit, which is also pending with respect to a Will relating to the same property. It will only be appropriate that the legal representatives of the deceased first plaintiff are brought on



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record and to that effect, the abatement is also set aside. Holding as above, both the applications are allowed.

4. The learned counsel for the plaintiffs to carry out the necessary amendments in the cause title to the suit and also any other consequential amendments. Two weeks time is granted.

5. List the matter for filing amended plaint copy before this Court on 12.07.2024.

28.06.2024

Maya



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