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CMP.No.4910 of 2022
in SA.No.28 of 2010

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M.SUNDAR, J

This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 10.01.2024, which reads as follows:

'A suit in O.S.No.245 of 2002 was presented in the Principal District Munsif's Court at Karaikal on 11.10.2002 with prayers inter alia for recovery of possession and recovery of arrears of rent. 'The Principal District Munsif's Court at Karaikal' shall hereinafter be referred to as 'Trial Court' for the sake of convenience and clarity. The Trial Court after full contest dismissed the suit vide judgment and decree dated 12.08.2004. Three plaintiffs in the Trial Court carried the matter in appeal vide A.S.No.56 of 2004 on the file of the 'Additional District Judge's Court, Pondicherry at Karaikal' [hereinafter 'First Appellate Court' for the sake of convenience and clarity]. The First Appellate Court dismissed the First Appeal [A.S.No.56 of 2004] vide judgment and decree dated 30.01.2007. Plaintiffs in the Trial Court, who are appellants in the First Appellate Court have carried the matter to this Court vide captioned Second Appeal saying that substantial questions of law have arisen.

2. Be that as it may, second defendant in the Trial Court [Sagundala, wife of Arumugam] died pending Second Appeal and



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the captioned CMP [CMP.No.4910 of 2022] was taken out for bringing on record the four legal heirs of deceased Sagundala as respondents 5 to 8 in the captioned main Appeal.

3. When the matter was listed before the Hon'ble predecessor Judge on 17.06.2022, the following proceedings/order was made:



4. Today, Mr.N.Dheeraj Kumar, learned counsel representing Mr.R.Natarajan, counsel on record for R1, R3 and R4 [Moorthy, Selvi and Muthulakshmi respectively] in the main Second Appeal is before this Court, but there is no representation for appellants. Obviously, there is no representation for the petitioners in CMP. However, with the intention of giving opportunity to the appellants'/petitioners' counsel, list this matter again day-after-tomorrow.

List on 12.01.2024.'



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2. Aforesaid proceedings shall now be read as an integral part and parcel of this order. This means that short forms, short references and abbreviations used in the earlier order shall continue to be used in the instant order also.

3. As regards the captioned 'Civil Miscellaneous Petition' ['CMP' for the sake of brevity], the same has been taken out with a prayer to bring on record the legal heirs of Sagundala [originally second respondent in the main Second Appeal], who died on 29.04.2021. To be noted, respondents 4 to 7 in the captioned CMP are Sagundala's two sons and two daughters.

4. Mr.N.Dheeraj Kumar, learned counsel representing Mr.R.Natarajan, who is counsel on record for R1, R3 and R4 [Moorthy, Selvi and Muthulakshmi respectively] submits that Mr.R.Natarajan, learned counsel has instructions to enter appearance for legal heirs of deceased Sagundala also. Learned counsel also submits that aforementioned CMP.No.4910 of 2022 is not opposed and that the same can be allowed. This submission is recorded. Therefore, it is not necessary to dilate any further on other aspects of the matter. Suffice to say that captioned CMP is allowed/ordered as prayed for.



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5. Registry to carry out necessary and consequential amendments in the case file within a fortnight from today i.e., by 02.02.2024.

6. Captioned CMP allowed/ordered as prayed for with the aforementioned directive. There shall be no order as to costs.

**12.01.2024
(1/2)**

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