



A.No.4776 of 2023
in C.S.No.633 of 2010

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P.B.BALAJI, J.,

This application has been taken out by the plaintiffs, seeking liberty to proceed with the suit in the absence of legal heirs representing the estate of the deceased defendants 28, 39, 55, 76, 97 and 119.

2.The affidavit in support of the application discloses that the suit has been filed for removal of encroachments and for recovery of possession. The plaintiffs have stated that despite requesting the learned counsel who had entered appearance for the deceased defendants, the details had not yet been furnished and in the absence of the same, the plaintiffs are unable to proceed further in the suit.

3.Since the cause of action is distinct as against the deceased defendants, in my considered view, the suit will abate as against them alone and not in so far as similarly placed encroachers. I am inclined to accept the reasons set out in support of the application. Accordingly, this application is ordered as prayed for.

03.04.2024

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