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Application No. 5512 of 2023
and C.S. No. 343 of 2012
and C.S. No. 277 of 2017

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C.V.KARTHIKEYAN, J.

The second applicant viz., John Charles Clement had died pending the application. The said second applicant was the sixth defendant in the suit. He and the fifth defendant were tenants inducted by the first and second defendants.

2. This application has been filed seeking to condone the delay of 1923 days in filing the application to set aside the exparte order dated 27.03.2018.

3. By filing this application, further progress in the suit has been stopped. The learned counsel for the plaintiffs had expressed very serious reservations about the pendency of this application. The learned counsel states that the applicants herein are only tenants. The plaintiffs



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had actually tendered evidence in the suit.

4. I find no bonafide in any reason given in not impleading the legal representatives in the suit.

5. As a matter of fact, the second applicant is only a partner and had been impleaded as a partner and therefore, his legal representative cannot be brought on record and only the existing partners of the first applicant can be brought on record. Since by death of the partner, the partnership firm automatically dissolves, the first applicant does not have any legal standing. In view of the same, the application stands dismissed.

27.06.2024

Maya

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