



WEB COPY



C.M.P. No. 337 of 2024
in A.S. No.225 of 2016

C.M.P. No. 337 of 2024
in
A.S. No.225 of 2016

M.SUNDAR,J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

(Order of the Court was made by M.SUNDAR, J.)

This order will now dispose of the captioned 'Civil Miscellaneous Petition' (hereinafter 'CMP' for the sake of brevity).

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 12.02.2024 which reads as follows:

'C.M.P.No.337 of 2024
in A.S.No.225 of 2016

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

(Order of the Court was made by M.SUNDAR.J.,)

Captioned main appeal i.e., 'A.S.No.225 of 2016' ['AS' for the sake of brevity] arises out of a specific performance suit being O.S.No.46 of 2008 on the file of the 'Additional District Judge's Court, Chengalpattu' [hereinafter 'said trial Court' for the sake of convenience



WEB COPY



C.M.P. No. 337 of 2024
in A.S. No.225 of 2016

and clarity]. The plaint was first presented on 07.02.2008 in the said trial Court, after full contest, said trial Court dismissed the suit in and by 'judgment and decree dated 09.10.2015' [hereinafter 'impugned judgment' for the sake of brevity and convenience].

2. Assailing the impugned judgment, plaintiff has filed the captioned AS, which is a regular first appeal under Section 96 of 'Code of Civil Procedure, 1908' ['CPC' for the sake of brevity] arraying the two defendants as two respondents. First respondent B.Mohanasundaram died pending main AS (date of demise 29.08.2017) necessitating the filing of the captioned CMP, which has been filed with a prayer to bring on record his wife and daughter [M.Geetha and M.Ramyasri].

3. Issue notice to respondents returnable by 04.03.2024. Private notice is permitted.

List on 04.03.2024.'

2. Pursuant to aforementioned proceedings, notice has been taken out to respondents and Mr.G.Vijayakumar, learned counsel who has entered appearance on behalf of both respondents (Respondents 1 and 2) is before us on the videoconferencing platform (VC platform). Mr.V.Balakrishnan, learned counsel for the petitioner is before us in the physical Court. To be noted this is a hybrid hearing which is regular/routine/daily feature in this Court.



*C.M.P. No. 337 of 2024
in A.S. No.225 of 2016*

3. Mr.G.Vijayakumar, learned counsel very fairly submitted

that he is not opposing the prayer in C.M.P.No.337 of 2024. This makes our task of disposing of the captioned CMP fairly simple.

4. In the light of the earlier proceedings and in the light of the fair stand taken by the learned counsel for respondents 1 and 2, wife and daughter of deceased B.Mohanasundaram (first respondent) captioned CMP is ordered as prayed for. Registry to carry out necessary and consequential amendments in the case file within a fortnight from today i.e., by 18.03.2024.

5. Captioned CMP is disposed of in the aforesaid manner.

mmi

(M.S.J.) (K.G.T.J.)
04.03.2024
(1/2)



WEB COPY



*C.M.P. No. 337 of 2024
in A.S. No.225 of 2016*

**M.SUNDAR,J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

mmi

**C.M.P. No. 337 of 2024
in
A.S. No.225 of 2016**

**04.03.2024
(1/2)**