



WEB COPY



A.Nos.443, 444 of 445 of 2025

in

C.S.No.723 of 2006

C.V.KARTHIKEYAN, J.

These applications have been filed seeking to condone the delay of 46 days in filing application to set aside the abatement caused due to the death of the 2nd defendant and to set aside abatement and to bring on record the 4th and 5th defendants as the legal representatives of the deceased 2nd respondent.

2.The suit had been filed seeking specific performance and directing the 1st defendant to execute sale deed in favour of the plaintiffs. The 2nd defendant had purchased the property from the 1st defendant. The 2nd defendant had died pending the suit. Naturally, the legal representatives are required to be heard before any decision is taken whether the sale deed in favour of the 2nd defendant could be interfered with by this Court. The legal representatives are necessary and proper parties. There has been a delay of 46 days in filing the application to set aside abatement, to set aside abatement and to bring on record the legal representatives.

3.My learned predecessor had directed to produce the legal heirship certificate of the 2nd defendant and the same is produced. It reflects that the 2nd defendant had left behind him surviving, a daughter and two sons. The second son Ravichandran is the 3rd defendant in the suit. It now remains to implead the



C.V.KARTHIKEYAN, J.

smv

WEB COPY

daughter and the first son as further defendants. Since they are necessary and proper parties and they are the legal representatives as evidenced by the legal heirship certificate, all these applications stand allowed.

4.The learned counsel who appears for the 2nd defendant and who had forwarded a copy of the death certificate and legal heirship certificate of the deceased 2nd defendant stated that he would also enter appearance for the proposed defendants. The suit summons can therefore be served on the learned counsel, who earlier appeared for the 2nd defendant.

5.The learned counsel for the plaintiff to carry out necessary amendment in the plaint reflecting the death of the 2nd defendant, Uttaman Chettiar and bring on record his further legal representatives, quite apart from the 3rd defendant, his daughter and first son as 4th and 5th defendants. Two weeks time is granted for carrying out amendment.

16.06.2025

smv

A.Nos.443, 444 of 445 of 2025
in
C.S.No.723 of 2006