



C.M.P.No.6301 of 2020 in

S.A.No.38 of 2009

WEB COPY **C.V.KARTHIKEYAN, J.**

This application is filed to exempt the petitioners herein from bringing on record the legal representative of the deceased respondents 2 and 4 in the above Second Appeal.

2. It is contended by the learned counsel for the appellants that the respondents 2 and 4 are the defendants 1 and 4 in the suit and had been set *exparte*, since they have not filed their written statement. In those circumstances, this application has been filed seeking to exempt the petitioners from bringing on record the legal heirs of the deceased defendants.

3. It is trite to point out that since they have been set *exparte* for not even having filed their written statement, the Court can proceed further in the appellate stage without bringing their legal heirs on record. However, it should be noted in the cause title that the respondents 2 and 4 have died. The Registry may note that particular fact in the cause title of the Second Appeal.

4. With the above observations, this application is allowed.

05.06.2025

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