CMP.No.9119, 9125, 9121 & 9124 of 2021
and
S.A.No.1885 of 2004

V. LAKSHMINARAYANAN, J.

These four applications seek to condone the delay, set aside abatement and to bring on record the legal representatives of the deceased sole appellant.

2.Ms.D.Kalaiselvi, learned counsel has entered appearance for the sole respondent. She has filed a memo stating that Kanagammal and Ramachandran had passed away a year ago and seeks for a direction to take steps on them.

3.A perusal of the grounds of appeal shows that the suit had originally been tried between one Ramaswamy and one Rajaram. Even in the appeal, they were the very same parties. Pending the Second Apeal, Ramaswamy has passed away and petitions have been filed to bring on record of his legal representatives. The deceased Kanagammal is the wife of Ramaswamy. Her son and daughter are already on record as the legal representatives of deceased Ramaswamy. Therefore, no separate steps need to be taken for Kanagammal. The petitioners 2 and 3 are recorded as the legal representatives of Kanagammal.

4.Insofar as Ramachandran is concerned, he has been brought on record as the son of Ramaswamy. The petitioners 1 to 4 are on record not in their personal capacity, but as representing the estate of the deceased. Even if one legal heir is brought on record and this Court were entered upon judgment in the appeal, it will bind the estate.

5.The appeal is of the year 2004 and by adjourning it for bringing the legal representative of Ramachandran, which is an unnecessary exercise would not be in the interests of justice. Hence, the appeal will be conducted with the other two legal representatives namely, Mr.Kanniappan and Mrs.Ambiga. Consequently, these Civil Miscellaneous Petitions are ordered.

6.Both Ms.Anisree Sangavi and Ms.D.Kalaiselvi agree that the appeal can be argued on 14.10.2025.

7.Post on 14.10.2025 for final disposal.

25.09.2025

vs

Note: Office is directed to carry out necessary amendment.

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