



CMP No. 9292 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

CORAM

THE HONOURABLE MR JUSTICE V.SIVAGNANAM

CMP Nos. 9292, 9293 & 9294 of 2024

in

A.S.No.291 of 2018

M.Rajini (deceased)

1. Raveendran

Petitioner

Vs

Dr.P.Chandra

Mrs.Vimala Manoharan (deceased)

2.Dr.P.Muthaiah Manoharan

3.Dr.P.Devadas Manoharan

4.Dr.Usha Manohari

5.P.Nathan Manoharan

Respondents

For Appellant(s): A.Swaminathan

For Respondent(s): M/s.Shivakumar And Suresh For R2, 4 and 5

Ms.S.Yogalakshmi for R3

No appearance For R1

**ORDER**

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These petitions have been filed by the petitioner to condone the delay of 614 days in filing the petition to set aside the abatement caused due to the death of the second respondent/Mrs.Vimala Manoharan in the above appeal; to set aside the abatement caused due to the death of the second respondent/Mrs.Vimala Manoharan; and to bring on record the respondents 2 to 5/proposed respondents 2 to 5 as legal representatives of the deceased second respondent/Mrs.Vimala Manoharan and rank them as respondents 2 to 5 in the above appeal.

2.The learned counsel for the petitioner stated that the proposed respondents are the legal heirs of the deceased second respondent Mrs.Vimala Manoharan, who is the third defendant in O.S.No.7909 of 2010, on the file of the IV Additional Judge, City Civil Court, Chennai. The appellants herein are the first and second defendants in O.S.No.7909 of 2010. Since Mrs.Vimala Manoharan/second respondent died, he prays to implead the legal heirs of the deceased second respondent in the appeal.



3.The learned counsel appearing for the proposed respondents 2 to 5 filed counter and contended that in O.S.No.7909 of 2010, the Trial Court had passed a decree against the first and second defendants alone and not against the third defendant/Mrs.Vimala Manoharan. The third defendant has not preferred any appeal, she is not connected with the suit property and has no interest over the suit property. He further stated that the proposed respondents 2 to 5 being unnecessary parties to the appeal, they need not be impleaded as legal heirs of Mrs.Vimala Manoharan in the above appeal and seeks to dismiss the petitions.

4.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5.Perusal of the records reveals that one Dr.P.Chandra filed a suit in O.S.No.7909 of 2010 against the defendants 1 to 3 and the Trial Court decreed the suit as prayed for with costs and directed the first and second defendants to pay a sum of Rs.10,20,000/- towards damages for mental agony and loss of materials and for use and occupation and also directed to



pay future damages of Rs.20,000/- per month from the date of termination of their licence till the date of handing over of possession of suit property.

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Aggrieved by the judgment and decree of the Trial Court, the first and second defendants alone have preferred the appeal and added the third defendant/Mrs.Vimala Manoharan as second respondent in the above appeal. Since Mrs.Vimala Manoharan died, the appellants herein want to implead the legal heirs of Mrs.Vimala Manoharan in the above appeal.

6.Perusal of the records expose the fact that no decree has been passed against the third defendant/Mrs.Vimala Manoharan and she is not having any interest over the suit property. Therefore, this Court is of the view that impleading the legal heirs of the deceased Mrs.Vimala Manoharan in the above appeal is unnecessary and there is no merit in the above petitions. Hence, these petitions are dismissed.

29-04-2025

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V.SIVAGNANAM J.

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