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S.A.Nos.343 and 344 of 2012 and
M.P.No.1 of 2013 and
M.P.No.1 of 2015 in S.A.No.343 of 2012 and
M.P.No.1 of 2015 in S.A.No.344 of 2012

SATHI KUMAR SUKUMARA KURUP, J.

From the records, it is found that Respondents 1, 2 and 5 in S.A.No.343 of 2012 and Respondents 3, 4 and 7 in S.A.No.344 of 2012 died. In printed cause list it is mentioned as '*steps taken*'.

2. On perusal of the Memorandum of Appeal, it is also found that impleading of legal heirs of Rathinammal, Respondent-1 in S.A.No.343 of 2012 and Respondent-3 in S.A.No.344 of 2012 had not been carried out by the Registry.

3. It has been clarified by the Registry that M.P.No.1 of 2015 in S.A.No.343 of 2012 and M.P.No.1 of 2015 in S.A.No.344 of 2012 had been filed to implead the legal heirs of deceased Rathinammal, who is Respondent-1 in S.A.No.343 of 2012 and Respondent-3 in S.A.No.344 of 2012 respectively. Notice was ordered earlier in both M.Ps, which was returned *unserved* with endorsement 'no such person'.

4. It is now clear that in the case of S.A.No.343 of 2012, as per the amendment carried in the Memorandum of Appeal, the legal heirs of deceased Respondent-5 (Arumugha Gounder) had already been impleaded as



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Respondents 11 to 14 and the legal heirs of deceased Respondent-2 (Manohari) were impleaded as Respondents 15 to 17.

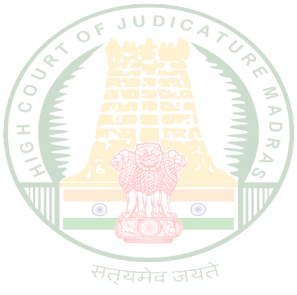
5. And in the case of S.A.No.344 of 2012, as per the amendment carried in the Memorandum of Appeal, the legal heirs of deceased Respondent-7 (Arumugha Gounder) had already been impleaded as Respondents 11 to 14 and the legal heirs of deceased Respondent-4 (Manohari) are impleaded as Respondents 15 to 17.

6. Therefore, as on the date on 03.06.2025, the legal heirs of deceased Rathinammal had not been impleaded in both the Appeals.

7. Learned Counsel for the Appellant submits that Respondent-11 in both the Appeals reported dead and the legal heirs of Respondent-11 are already on record and Memo filed to that effect. Memo recorded.

8. Learned Counsel for the Appellant also seeks fresh notice for Respondent-14.

9. Learned Counsel for the Appellant is directed to issue fresh notice to Respondent-14 in both the Appeals through private mode and to take paper publication in any one issue of Tamil Daily viz., Dhina Thanthi, Dhinamalar, Dhinakaran, Dhinamani which is having wide circulation in the place of residence of Respondent-14, Pollachi Taluk, Coimbatore District.



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10. Learned Counsel for the Appellant is also directed to issue private Notice to proposed parties in M.P.No.1 of 2015 in S.A.No.343 of 2012 and M.P.No.1 of 2015 in S.A.No.344 of 2012, the legal heirs of deceased Rathinammal in both the Appeals after verifying the correct address of the proposed parties. Also, the learned Counsel for the Appellant is directed to cause notice on the learned Counsel for the Defendant-1 who appeared before the learned District Munsif, Pollachi through private mode.

11. Registry is directed to carry out the amendment regarding Respondent-11 in both the Appeals.

12. Post the case after four weeks.

03.06.2025

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SATHI KUMAR SUKUMARA KURUP, J.,

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03.06.2025