

ITEM NO.11

COURT NO.10

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 1021-1026/2013

V. KALYANASWAMY (D) BY LRS. & ANR.

Appellant(s)

VERSUS

L. BAKTHAVATSALAM (D) THR. LRS. & ORS.

Respondent(s)

(Application in CA Nos.1039-1044/2013 only to be listed before Hon' CH.J.)

WITH

C.A. No. 1039-1044/2013 (XII)

(IA No.34126/2016 FOR SUBSTITUTION FOR DECEASED RESPONDENT NO.33,
COND. OF DELAY AND SETTING ASIDE ABETMENT AND AMENDMENT IN CAUSE
TITLE ON IA 66887/2018)

Date : 26-09-2018 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
[IN CHAMBERS]

For Appellant(s) Mr. Vijay Kumar, AOR

Mr. I. Shukla, Adv.
Mrs. Revathy Raghavan, AOR

For Respondent(s) Mr. K. K. Mani, AOR
Mr. R. N. Keswani, AOR
Mr. V. N. Raghupathy, AOR

Mr. Nikhil Swami, Adv.
Mrs. Divya Swami, Adv.
Mrs. Prabha Swami, AOR

Ms. Srikala Gurukrishna Kumar, AOR

Ms. A. Lakshminarayanan, Adv.
Mr. V. Balachandran, AOR

Mr. Tushar Bakshi, AOR

UPON hearing the counsel the Court made the following
O R D E R

I.A. No.66887/2018 in C.A. 1039-1044/2013

The present application(application to amend the cause title) has been filed by the learned counsel for the appellants stating in para 3 thereof that one of the legal heirs of A.Alagirisamy, i.e, Savithri has died on 25.06.2016. It is further stated that her legal heirs are already on record hence her name may be deleted from the array of parties.

Another paryer made in the aforesaid application is that one Amirtham Ammal Respondent no.9 in Civil Appeal no. 1039-44 of 2013 has also died on 23.10.2017. His legal heirs are already on record of the case and hence the name of Amirtham Ammal may also be deleted from the array of parties.

In view of the above, it is prayed by the learned counsel for the appellants to allow the application to amend the cause title as mentioned supra.

Prayer made in the aforesaid application is accepted and the applciation to amend the cause title is allwoed in the aforesaid terms.

IA No. 34126/2016 in C.A. Nos. 1039-44/2013

The present application has been filed by the learned counsel for the appellants for bringing on record the legal representatives of one of the deceased respondents namely Visalakshi.

There is an inordinate delay of 600 days in moving the aforesaid application and the only cause shown in para 3 of the application is that the appellant was not aware of the death of the deceased respondent- Visalakshi, and the local counsel for the appellants got the information from some source regarding the death

of the Visalakshi only on 11.03.2016, though she had died on 30.05.2014.

In the interests of justice, delay of 600 days in filing the aforesaid application is condoned, abatement set aside and the legal representatives of the deceased-Visalakshi, details whereof are mentioned in para 2 of the application for substitution, are taken on record, subject to deposit of Rs.5,000/- (Rupees five thousand only) as costs with the Supreme Court Advocates-on-Record Welfare Trust, within four weeks from today. Cause title be amended accordingly.

(SONALI SAUND)
SENIOR PERSONAL ASSISTANT

(SAROJ KUMARI GAUR)
COURT MASTER