



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Fourth day of January Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon'ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.7079 of 2020
in
SA(MD) SR No.6765 of 2020

1 VASUDEVAN

CHANDRA (Since Deceased)

...2nd Appellant in A.S died
Subsequent to the judgment in appeal

2 ALAGIRIKANNAN

3 JAYAKUMAR

... Appellants/Appellants

Vs

ALAGARSAMY

... Respondent/Respondent

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to accept the cause title in the Second Appeal.

Prayer in SA(MD) SR No.6765 of 2020:

To set aside the judgment and decree dated 21.08.2019 made in A.S.No.44 of 2016 on the file of Additional District Court, Srivilliputhur, confirming the judgment and decree dated 17.08.2016 made in O.S.No. 326 of 2010 on the file of Sub Court, Srivilliputhur, and to dismiss the suit with costs.

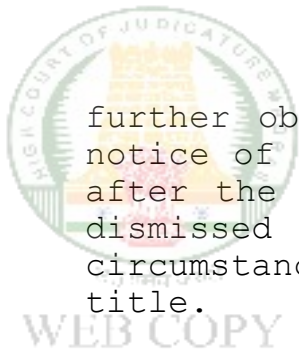
ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.ARUMUGAM, Advocate for M/S.AJMAL ASSOCIATES for the Appellants, the Court made the following order:-

Heard the learned counsel appearing for the petitioner.

2.This application has been filed seeking acceptance of cause title in the Second Appeal on the ground that the second appellant in the appeal died after the judgment in the appeal.

3.It has been held by this Court, in **Amsavalli and others v. Sarangabani**, reported in **2015-5-L.W.885**, that the petition for acceptance of cause title in such case is not necessary. It has been

<https://hcservices.ecourts.gov.in/hcservices/>



further observed that an affidavit is to be filed bringing to the notice of this Court about the death of the appellant or respondent after the dismissal of the regular appeal. Hence, this petition is dismissed with liberty to file an affidavit stating that the circumstances under which the appeal is filed with different cause title.

4.The Registry is directed to number the appeal without insisting the petition for acceptance of cause title.

sd/-

04/01/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE ADDITIONAL DISTRICT JUDGE,
SRIVILLIPUTHUR.
2. THE SUBORDINATE JUDGE,
SRIVILLIPUTHUR.

ORDER

IN

CMP(MD) No.7079 of 2020 in
SA(MD) SR No.6765 of 2020
Date :04/01/2021

NS

SRS/JC/SAR-III/18.01.2021/2P/3C