



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

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

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

**CMP(MD) No.7121 of 2020
and
SA(MD) SR.No.7675 of 2020**

REVATHI (DIED) ... 4TH RESPONDENT IN AS AND
4TH DEFENDANT IN OS BY HER LRS

1 KENGADURAI
2 PRABHU ... PETITIONERS 1 AND 2/
APPELLANTS 1 AND 2/
LRs OF 4TH RESPONDENT IN AS/
LRs OF 4TH DEFENDANT IN OS

3 VENKADACHALAM ... 3RD PETITIONER/3RD APPELLANT

Vs

1 JAMUNARANI
2 RUKMANI
3 DHANALAKSHMI ... RESPONDENTS/RESPONDENTS

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 and thereby render justice.

PRAYER IN SA(MD) SR.NO.7675/2020:

To reverse and set aside the Judgment and decree dated 29.08.2019 in A.S.No.21 of 2018, on the file of Principal District Judge, Karur in reversing the well considered judgment and decree dated 25.01.2018 in O.S.No.32 of 2012, on the file of Sub Court, Kulithalai.

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.V.RAGHAVACHARI, Advocate for the petitioner, the Court made the following order:-

Heard the learned counsel appearing for the petitioners and the learned counsel for the respondents.



2.This application has been filed seeking acceptance of cause title in the Second Appeal on the ground that the fourth 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 further observed that an affidavit is to be filed bringing to the notice of this Court about the death of one of the appellant or respondent after the dismissal of the 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

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE PRINCIPAL DISTRICT JUDGE, KARUR

2.THE SUBORDINATE JUDGE, KULITHALAI

ORDER
IN
CMP (MD) No.7121 of 2020
and
SA(MD) SR.No.7675 of 2020
Date :04/01/2021

NS

PK/JC/SAR-III/11.01.2021 : 2P/3C