



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

Monday, the Twentieth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice SUNDER MOHAN

CMP(MD) No.4138 of 2019

IN

SA(MD) No.SR52171 of 2018

1 M.SUBRAMANIAN (DIED)
2 S.SUBBAMMAL
3 S.UMAVATHI
4 S.MURUGAN
5 S.RADHAKRISHNAN

... Petitioners / Appellants

Vs

1 M.NATARAJAN
2 N.MUTHULAXMI
3 N.AVUDAIAMMAL
4 M.LAKSHMANAN
5 L.SENTHIL MURUGAN
6 L.MARIAPPAN
7 L.GOMATHI
8 S.AYYANAR
9 G.MARIAPPAN

... Respondents / Respondents

Petition filed praying that in the circumstances stated therein and in the affidavit filed CMP(MD) No.4138 of 2019 therewith the High Court may be pleased to accept the cause title in so far as the appellants in the above second appeal.

Prayer in SA(MD) SR.No.52171 of 2018:

To set aside the judgment and decree dated 26.07.2018 passed in A.S.No.14 of 2017 on the file of 4th Additional District Judge, Tirunelveli confirming the judgment and decree dated 14.11.2016 passed in O.S.No.7 of 2010 on the file of Subordinate Court, Sankarankovil.

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 M/S.M.P.SENTHIL, Advocate for the petitioner and of Mr.S.RAMESH @ RAMIAH, Advocate for the Respondents No.8 & 9, the court made the following order:-

The Civil Miscellaneous Petition is filed seeking to accept the cause title in so far as the appellants in the Second Appeal.



2. It is the case of the petitioners/appellants that the first petitioner died after presentation of the Second Appeal and hence, the petitioners 2 to 5 have been added as appellants. They prayed for accepting the cause title.

3. This Court finds that since the first petitioner/first appellant had died after the presentation of the Second Appeal, the petition to accept the cause title is not maintainable. The petitioners 2 to 5 ought to be impleaded as legal representatives of the deceased first petitioner. Hence, this Civil Miscellaneous Petition is dismissed with liberty to the petitioners to file a petition to bring the legal representatives of the deceased first petitioner on record.

sd/-
20/02/2023

/ TRUE COPY /

/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LM

To

1.The IV Additional District Judge,
Tirunelveli.

2.The Subordinate Judge,
Sankarankovil.

ORDER
IN
CMP(MD) No.4138 of 2019
IN
SA(MD) No.SR52171 of 2018
Date :20/02/2023

ED/CG/SAR-4 (20/04/2023) 2P 3C