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C.M.P.No.19513 of 2025 in O.S.A (CAD) SR. No.40866 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

C.M.P.No.19513 of 2025
in
O.S.A (CAD) SR. No.40866 of 2025
(Filing Number)

M/s.N.C.Arya Snuff & Cigar Co.,
Rep. by its Partner Mr.K.R.Ragurramun
19, Davidson Street, Chennai - 600 001

Residing at No.32, 7th Cross Street
West Extension, Thillainagar
Trichy - 620 018

... Applicant

Vs.

1.M/s.Nico Quality Products
Rep. by its Partner Mr.K.C.Vijay
1st Floor, No.4/1, Kandaswamy Street
Chandrabagh Avenue, Mylapore, Chennai - 600 004

2. K.C.Vijay

3. Zanakanabady

4. Anuradha

... Respondents

Page Nos.1/7



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C.M.P.No.19513 of 2025 in O.S.A (CAD) SR. No.40866 of 2025

For Applicant : Mr.Ramesh Ganapathy

for Mr.C.Ramesh

For Respondents : Mr.Gautam S Raman for R1 and R2

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Civil Miscellaneous Petition' ['CMP' for the sake of brevity] has been filed with an accept the cause title plea.

2. Mr.Ramesh Ganapathy, learned counsel on record for CMP petitioner adverting to the support affidavit submits that there was reconstitution of the partnership firm on 01.06.2023 and that has necessitated the captioned CMP.

3. We find that CMP with a similar prayer being C.M.P.No.18678 of 2025 in O.S.A (CAD) SR.No.40864 of 2025 has been allowed by another Division Bench in and by an order dated 05.08.2025, which reads as follows:



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C.M.P.No.19513 of 2025 in O.S.A (CAD) SR. No.40866 of 2025

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM

*THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE*

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

*CMP No.18678 of 2025
in OSA (CAD) SR No.40864 of 2025*

*N C Arya Snuff and Cigar Co.,
Rep by its Partner K.R.Ragurramun,
19, Davidson Street, Chennai-600 001*

Applicant

Vs

*Nico Quality Products
Rep. by its Partner K.C.Vijay,
1st Floor, No.4/1, Kandaswamy Street, Chandrabagh Avenue,
Mylapore, Chennai-600 004 and 4 others*

Respondents

For Applicant:

Mr.G.Ramesh

For Respondents:

*Mr.Gautam S.Raman
for respondent No.1*



C.M.P.No.19513 of 2025 in O.S.A (CAD) SR. No.40866 of 2025

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ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard on the application for accepting the cause-title.

2. Learned counsel for the applicant/appellant would submit that the firm was re-constituted during the pendency of the suit. At this stage, the applicant/appellant seeks acceptance of the cause-title, as the re-constituted firm succeeds the earlier partnership firm with all its assets and liabilities.

3. Learned counsel for the caveator/respondent No.1 opposes the prayer and he would submit that the re-constituted firm may not be allowed to file appeal, as the impugned judgment was rendered by the learned Single Judge without there being any prayer for substitution.

4. We are of the view that the re-constitution of the firm with all assets and liabilities, as stated, entitles the successor firm to prosecute the appeal, keeping in view the fact that during the pendency of the suit, the re-constitution had taken place. The objection of respondent No.1, therefore, has no basis and is rejected.

5. Application is, accordingly, allowed and the cause-title is accepted.



C.M.P.No.19513 of 2025 in O.S.A (CAD) SR. No.40866 of 2025

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List the appeal for admission.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (SUNDER MOHAN,J)
05.08.2025'

4. However, as OSA (CAD) Nos.84 of 2025 and 90 of 2025 are also on Board today, Mr.Gautam S Raman, learned counsel submits that he would represent Respondents 1 and 2 (NICO Quality Products and Mr.K.C.Vijay) and learned counsel represented by Mr.P.S.Raman, learned Senior counsel, submits that they did not have the benefit of a deed executed by one Mr.KR.Raguramun and Ms.S.Thara when the earlier order came to be made by other Division Bench on 05.08.2025 and therefore, they now have certain points to make in the captioned CMP.

5. In this view of the matter, while ordering the CMP as prayed for, we make it clear that all the rights and contentions of the four respondents (not R1 and R2 alone) are preserved for being raised in the main OSA or any CMPs thereat and such objections will include objections which may come across as objections which could have been raised qua captioned CMP. With this rider/observation, captioned CMP is ordered as prayed for.



C.M.P.No.19513 of 2025 in O.S.A (CAD) SR. No.40866 of 2025

There shall be no order as to costs.

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(M.S.,J.)

(R.S.V.,J.)

26.08.2025

Index : Yes / No

Neutral Citation : Yes / No

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**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

gpa

**C.M.P.No.19513 of 2025
in
O.S.A (CAD) SR. No.40866 of 2025
(Filing Number)**

26.08.2025