



C.M.P.Nos.17968 & 17979/2019

C.M.P.Nos.17968 & 17979 of 2019 in O.S.A.Nos.464 & 465 of 2018

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C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU

(Order of the Court was made by C.V.Karthikeyan,J.)

Both these petitions have been filed seeking permission to the petitioner to substitute him in the place of his deceased father Narendra Prasad as first appellant to conduct and prosecute the Original Side Appeals.

2. In the affidavit filed in support of the petitions, it has been stated that the first appellant Narendra Prasad is his father and other appellants 2,3 and 4 are the brothers and sister of his father. They had all jointly instituted the appeals. It has been further stated that pending the appeals, the first appellant died and that the other daughters are not interested in prosecuting the appeals further, but, however, the petitioner has come forward to prosecute the appeals.

3. Since the cause survives and the deceased, first appellant will have to be represented, though notice has been directed to the respondents and since notice has not been served, the petitioner has filed C.M.P.Nos.24882 and 24895 of 2025, seeking service through substituted method on the unserved respondents.



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4. We are of the opinion that such service is not required. The respondents, during the course of hearing, may raise an objection about the locus of the newly substituted appellant to prosecute the appeal further.

5. Giving such option and liberty to the respondents challenging the locus and status of the present petitioner, these Civil Miscellaneous Petitions are allowed.

6. Registry is directed to carry out necessary amendment in the cause title and list the Original Side Appeals for hearing on 19.01.2026.

7. Registry shall also put up a note about the respondents who have been served and the respondents who have not been served and the counsel who entered appearance on behalf of third respondent.

dixit

(C.V.K.,J.) (K.B.,J.)
09.01.2026
(1/2)



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