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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29-06-2026

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

CMP(MD) No.6472 of 2024
in C.R.P(MD).No.SR33254 of 2024

Kannan

Petitioner(s)

Vs

Tamilarasi (died)
1.Veerasami Elamparithi
2.Sathya

Respondent(s)

For Petitioner(s):

Mr.T.Selvan

For Respondent(s):

Mr.Hishaam for
Mr.K.Prabhakar(for R1)

Prayer:Civil Miscellaneous Petition is filed under Section 151 of the Code of Civil Procedure, to accept the cause title stated in the memorandum of grounds in C.R.P(MD).SR.No.33254 of 2024.

Prayer in C.R.P(MD).No.SR33254 of 2024: To allow this civil revision petition by setting aside the fair and decreetal order passed in I.A.No.1 of 2024 in R.C.A.No.03 of 2017 on the file of the Principal Subordinate Court, Karur, dated 17.04.2024.

ORDER

It is seen from the records that one Tamilarasi filed a petition for eviction in R.C.O.P.No.08 of 2010 on the file of the Principal District Munsif Court, Karur (Rent Controller) against petitioner and obtained eviction order.



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Challenging the same, the petitioner preferred an appeal in R.C.A.No.3 of 2017 on the file of the Principal Subordinate Court, Karur, and the same was dismissed, as the petitioner failed to bring on record the legal representatives of Tamilarasi, who died pending the appeal. Hence, the petitioner filed I.A.No.1 of 2024 in R.C.A.No.3 of 2017 seeking restoration of the appeal, which had been dismissed on account of the failure to bring on record the legal representatives of the deceased respondent, Tamilarasi. Even in the said Interlocutory Application, the petitioner failed to implead the legal heirs of the deceased respondent therein. Since no proceeding can be initiated against the deceased person without impleading his/her legal heirs, the Appellate Authority had rightly dismissed the petition. Aggrieved by the same, the petitioner has preferred this revision.

2.In the present revision, the petitioner impleaded the legal heirs of the deceased Tamilarasi and came up with the present application to accept the cause-title. Only, in cases, where the death occurs after passing of the impugned order and before filing of revision, the petitioner is entitled to maintain an application seeking to accept the cause-title. However, in the case on hand, death occurred even prior to the passing of the impugned order. In fact, the impugned order was passed only on the ground that the petitioner



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failed to implead the legal heirs of the deceased Tamilarasi, respondent therein. The petitioner, instead of filing proper application before concerned Court, has filed the present revision, which is not at all maintainable and the petition to accept the cause-title by impleading the legal heirs in revision.

3. Since the death occurred even prior to the impugned order, the instant application filed by the petitioner seeking to accept the cause-title is not at all maintainable and accordingly, the Civil Miscellaneous Petition is dismissed. The Civil Revision Petition is rejected at the SR stage itself. No costs.

29-06-2026

NCC : Yes/No

Index : Yes/No

Rmk

To

1. The Principal Subordinate Judge, Karur.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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S. SOUNTHAR.J.

Rmk

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