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CMP(MD) No.708



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12-06-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

C.M.P(MD) No.7087 of 2026

IN

C.M.A(MD) No.302 of 2023

M.Vinoth (Died)

M. Lalitha

Petitioner

Vs

V. Banupriya

Respondent(s)

For Petitioner(s):

Mr.K.K.Samy

For Respondent(s):

Mr.R.Karunanithi

Prayer:

To Implead the Petitioner as the 2nd respondent in C.M.A.(MD) No.302 of 2023.

ORDER

(Order of the Court was made by the Hon'ble N.Anand Venkatesh J.)

This petition has been filed by the mother of the respondent, who died during the pendency of this appeal.

2. The first respondent had initiated divorce proceedings against the appellant and the petition was allowed. Aggrieved by the same, the present appeal was filed before this Court. During pendency of the appeal, the first respondent died and hence, the present petition has been filed by the mother of the first respondent to implead herself as the second respondent.



2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

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3. We carefully went through the judgment of Apex Court in *Yallawwa Vs. Shantavva reported in 1997 (11) SCC 159*. Hence, we are inclined to hold that the second respondent in the appeal can prosecute this proceedings. Hence, this petition is allowed. Registry is directed to carry out the necessary amendment.

4. Post the main appeal for hearing on 19.06.2026 under the caption "for orders".

(N.ANAND VENKATESH J.) (K.K.RAMAKRISHNAN J.)
12-06-2026

Indu