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C.M.P.No.17851 of 2026
in S.A.Sr.No.19041 of 2026

V.LAKSHMINARAYANAN, J.

I have my own doubts as to how the petition to accept the cause title is maintainable when the appellants 1 and 2 therein, had died before the pronouncement of the judgment by the First Appellate Court. A judgment pronounced against a dead person is a nullity. The appellants have lost the appeal. They have a remedy before the lower Appellate Court under Order 41 Rule 21 of the Code of Civil Procedure seeking the lower Appellate Court to hear the appeal. Even otherwise, when a decree is a nullity, an application under Section 151 of the Code of Civil Procedure, to recall the judgment and rehear the appeal on merits, is maintainable. Without resorting to any of the remedies available, Mr.Himavanth attempts to convince this Court that an application to accept the cause title is maintainable. He seeks time to go through the authorities referred to by this Court.

2. Post on 20.07.2026.

16.07.2026

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