

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.10758/1999

(From the judgement and order dated 24/11/1997 in SA 637/84  
of The HIGH COURT OF MADRAS)

R.MUTTHU LAKSHMI &amp; ORS

Petitioner (s)

VERSUS

MUTHIAH ACHARI &amp; ANR

Respondent (s)

( With Appln(s). for bringing LR's on record & with prayer for interim  
relief & Office Report )  
( For Final Disposal )

Date : 05/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE  
HON'BLE MR. JUSTICE B.N. AGRAWALFor Petitioner (s) Mr. Jayanth Muthraj,Adv.  
Mr. Raghu,Adv. for  
Ms. Malini Poduval,Adv.For Respondent (s) Mr. R. Sundaravaradan,Sr.Adv.  
Mr. Ramlal Roy,Adv.  
Mr. Shivakumaran,Adv.  
Mr. R.N. Keshwani,Adv.UPON hearing counsel the Court made the following  
O R D E R.....L.....I.....T.....T.....T.....T.....T.....J.  
.SP2No orders are required on I.A.No.2.  
Leave granted.  
The appeal is allowed. There shall be no  
order as to costs.

.SP1

(Neelam Kawatra)  
Court Master(S. Krishnan)  
Court Master

Signed order is placed on the file.

.PL55

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7006 OF 2001@@  
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(Arising out of S.L.P.(C)No. 10758/1999)

R. Mutthu Lakshmi & Ors.

Appellant (s)

versus

Muthiah Achari & Anr.

Respondent (s)

O R D E R@@  
CCCCCCCC

...L.....I.....T.....T.....T.....T.....T.....T.....T.....J.  
.SP2

Leave granted.

The appellants before the High Court in second appeal who are now respondents in this appeal died during the pendency of the second appeal. They were not substituted by their legal representatives and, therefore, the second appeal had abated. However, the High Court proceeded to decide the matter on merits and the appeal was allowed. The present appellants have filed this appeal against the judgment of the High Court. In view of the fact that there was no substitution before the High Court, the second appeal had abated. Under such circumstances, the judgment under challenge is set aside and the matter is sent back to the High Court. It will be open to the heirs of the appellants to move an application for substitution before the High Court along with an application for condonation of delay in filing application for substitution. In case such an application is moved, we request the High Court to decide the matter, if possible, within three months from the date of the receipt of the certified copy of this order, in accordance with law.

contd....2/-

-2-

The appeal is allowed. There shall be no order as to costs.

.SP1

.....J  
(V.N. Khare)

New Delhi,  
October 05,2001.

.....J  
(B.N. Agrawal)