



WEB COPY

A No. 567 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 567 of 2026

AND

TOS NO. 49 OF 2013

Mrs.Jaya Balasubramaniam
Old No.9 and 10, New No.7,
C.P.Ramasamy Road,
2nd Floor, Flat No.5,
Alwarpet, Chennai 600 018.

..Applicant

Vs

1. V.P.Rangaswamy
No.14, 1st and 2nd Link Street,
Mandaveli, Chennai 600 028.
2. Lakshmi Venkataramani
No.24, 16th Street,
Thillai Ganga Street,
Nanganallur, Chennai 600 061.

..Respondents

PRAYER: This application is filed under Order XIV Rule 8 of O.S.Rules read with Order 1 Rule 10(2) of C.P.C praying to implead the Applicant herein as the proposed 2nd Defendant in the above T.O.S.No.49 of 2013.

For Applicant(s): Mr.Annamma K

For Respondent(s): M/s. R.V.Gayathri for M/s.P.B.Ramanujam



Order

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This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order I Rule 10(2) of the Code of Civil Procedure, seeking to implead the applicant as the second defendant in T.O.S.No.49 of 2013.

2. The suit arises out of O.P.No.596 of 2008, filed by the first respondent for grant of Letters of Administration in respect of the registered Will dated 12.05.1999, stated to have been executed by his father, V.R.Padmanabhan. On a caveat being entered by the second respondent, the Original Petition was converted into T.O.S.No.49 of 2013.

3. The applicant states that she is one of the daughters of the deceased testator and, therefore, a Class-I heir having a direct interest in his estate. According to her, the decision in the testamentary suit would affect her right to succeed to the estate in the event the Will is not proved, and she is consequently a necessary and proper party to the suit.

4. The first respondent/plaintiff opposes the application. Apart from alleging delay, he points out that the applicant had earlier filed A.No.4633 of 2024 seeking the very same relief and that the said application was dismissed on account of her failure to comply with the condition imposed by this Court.



5. The records show that the present applicant had earlier filed A.No.4633 of 2024 to implead herself as the second defendant in the very same suit. By order dated 19.10.2024, this Court allowed A.Nos.4633 and 4634 of 2024, subject to each applicant paying costs of ₹10,000 to the first respondent/plaintiff on or before 28.10.2024. The order expressly provided that, in the event of failure to pay the costs within the stipulated time, the applications would stand dismissed automatically without further reference to the Court.

6. On 28.10.2024, further time was sought for compliance. The matter was accordingly adjourned to 04.11.2024. Since the condition was not complied with even thereafter, this Court recorded on 04.11.2024 that A.Nos.4633 and 4634 of 2024 stood dismissed.

7. The present application seeks precisely the same relief which was sought in A.No.4633 of 2024. However, the affidavit filed in support of this application does not disclose the filing of the earlier application, the conditional order dated 19.10.2024, the extension granted on 28.10.2024, or the subsequent dismissal of that application.

8. The applicant, being the daughter of the testator, has a caveatable interest. Though impleading after conversion into a testamentary suit is not absolutely barred, it depends upon the stage of proceedings, explanation for delay and appropriate terms. Her earlier application in A.No.4633 of 2024 was



allowed on such terms.

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9. However, the applicant cannot seek the same relief afresh without complying with, or obtaining appropriate relief against, the order in A.No.4633 of 2024. Entertaining the present application would permit circumvention of a subsisting judicial order.

10. Accordingly, A.No.567 of 2026 is **dismissed**. No costs.

JRS

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DR.A.D.MARIA CLETE J.

JRS

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