

Application Nos.720 & 1005 of 2014
in
Original Petition No.273 of 2009

R.SUBBIAH, J.,

Both the above applications have been filed by the applicants seeking to implead them as legal heirs of the deceased Mrs.Annamuthu Ramasamy, the original petitioner, and to bring the applicants on record.

2.Originally one Mrs.Annamuthu Ramaswamy (deceased) has filed the main Original Petition viz., O.P.No.273 of 2009 seeking for issuance of succession certificate in respect of the schedule mentioned properties which belonged to her deceased son Rajalingam, who died on 20.04.2008. In the main Original Petition, it is the case of the said Mrs.Annamuthu Ramswamy (deceased) that she is the mother of the deceased R.Rajalingam and the 1st respondent-Keerthana is the daughter of the deceased R.Rajalingam and the 2nd respondent-Revathi is the wife of the deceased R.Rajalingam. The 3rd respondent-Anitha Sharmila claims to be a widow of the deceased R.Rajalingam; hence, she was also shown as a respondent in the Original Petition. Pending the Original Petition, the petitioner Mrs.Annamuthu Ramaswamy died on 28.07.2013.

3.Now, Application No.720 of 2014 has been filed by one

R.Ravindran, who is the grandson of the original petitioner Annamuthu Ramaswamy (since died). The applicant Ravindran has stated in the affidavit filed in support of the application that he was taking care of his grandmother Annamuthu Ramaswamy after the demise of Rajalingam. The deceased Rajalingam is the applicant's father's younger brother. Further, late Mrs.Annamuthu Ramaswamy had executed a Will on 14.05.2008 bequeathing all her rights, title and interest on movable and immovable properties left behind by the deceased R.Rajalingam, in favour of the applicant Ravindran; that the said Will has already been registered at the office of Sub-Registrar, Dindugal under Doc.No.20 of 2008; further, the said Annamuthu Ramaswamy had also executed settlement deeds in favour of the applicant Ravindran; however, due to the non-cooperation of the respondents 1 & 2, the movable properties in the form of deposits, shares etc., could not be amicably settled so far. Hence, the Original Petition was filed by the said Annamuthu Ramaswamy for succession certificate. In fact, since the 1st respondent was shown as nominee in a fixed deposit of Rs.1.5 crores, which was lying in ING Vysya Bank, Tiruvannamalai, the said amount was withdrawn by the 1st respondent; but, a sum of Rs.10 lakhs alone was given to Annamuthu Ramaswamy. Under such situation, the said Annamuthu Ramaswamy, grandmother of the applicant, died on 28.07.2013. Hence, the present Application No.720 of 2014 has been filed by the applicant Ravindran seeking to

implead him as legal heir of the petitioner Annamuthu Ramaswamy by virtue of the Will executed by Annamuthu Ramaswamy.

4.Application No.1005 of 2014 has been filed by the applicant R.Sugapriya, who is the grand-daughter of the Original Petitioner Annamuthu Ramaswamy. In the affidavit to the application, the applicant R.Sugapriya has stated that her mother Eswari was the daughter of the Original Petitioner Annamuthu Ramaswamy and as such, she is the legal heir of the deceased Annamuthu Ramaswamy, as a grand-daughter ie., daughter of the pre-deceased daughter of the said Annamuthu Ramaswamy. Hence, she has filed the present application seeking to implead her.

5.But, both the present applications have been opposed by the respondents 1 & 2, who are the daughter and wife of the deceased Rajalingam respectively, stating that the said Annamuthu Ramaswamy originally filed the main Original Petition for issuance of Succession Certificate in respect of the securities belonging to late R.Rajalingam, who died on 20.04.2008 claiming 1/3rd share. But, during the pendency of the Original Petition, the petitioner Annamuthu Ramaswamy died on 28.07.2013. Upon her death, the entire properties inherited by her on the death of Rajalingam would revert back on the respondents 1 & 2 as per the Hindu Succession Act, 1956.

The applicants herein/proposed parties are making their claims based on the Will and the settlement deeds said to have been executed by the said Annamuthu Ramaswamy. When that being so, the applicants herein/proposed parties have to work out their remedy only by separate legal proceedings. Hence, they cannot be impleaded in the present original application filed by late Annamuthu Ramaswamy for succession certificate. Thus, the respondents 1 & 2 sought for rejection of the present applications.

6. I have carefully heard the submissions made on either side and perused the materials available on record.

7. From a careful perusal of the records, I find that originally one Annamuthu Ramaswamy has filed the Original Petition for Succession Certificate on the demise of her son Rajalingam, citing his wife and daughter as the respondents, stating that as a legal of the deceased Rajalingam, she is entitled to 1/3rd share of the properties of her deceased son Rajalingam. Pending the Original Petition, she died on 28.07.2013. Now, her grand-son and grand-daughter have filed the present applications seeking to implead them as party to the present proceedings, as the legal heirs of the said Annamuthu Ramaswamy.

8. The Original Petition has been filed for succession certificate.

The applicants herein/proposed parties are making their claims based on the Will and settlement deeds said to have been executed by the deceased Annamuthu Ramaswamy. When that being the position, the applicants cannot maintain their claim in the present succession certificate proceedings. As has been contended by the learned counsel for the respondents 1 & 2, the applicants herein/proposed parties have to work out their remedy, based on the Will and Settlement Deed said to have been executed by the deceased Annamuthu Ramawamy, by filing a separate legal proceedings before the appropriate forum. Therefore, I am of the opinion that absolutely there is no need to implead the applicants herein as parties in the Original Petition filed by the deceased Annamuthu Ramaswamy.

Hence, the present applications are liable to be dismissed and accordingly, the same are dismissed.

01.06.2015

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R.SUBBIAH, J.,

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Pre-delivery order
in

A.Nos.720 & 1005 of 2014
in
O.P.No.273 of 2009

01.06.2015