

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.S.A.No.457 of 2012

- 1.M.C.Ramamurthy
- 2.M.G.C.Prabhakaran
- 3.M.C.Chandran
- 4.M.C.Leelavathy
- 5.Vijayalakshmi Venugopal
- 6.M.C.Rajendran
- 7.M.C.Vijayakumar
- 8.Sunder Rajan
- 9.Sumathi Mohan Kumar
- 10.Geetha Rajan Nair
- 11.Thulasi Sugumar
- 12.Menaka Sugumar

Minor rep. by her mother and natural
guardian and next friend Thulasi Sugumar

- 13.Seetha Balu
- 14.Pradeep Balu
- 15.Praneetha Balu

(All represented by their duly
constituted Power of Attorney
M.C.Chandran)

Appellants

vs

Dr.Mrs.Latha Rajendran
Excutor-Trustee
MGR Memorial Charitable Trust,
No.27, Arcot Road, Chennai.

Respondent

(Name of the respondent substituted vide
order of the Court dt.10.3.2014 made in
M.P.No.3 of 2013)

Appeal filed under Clause 15 of the Letters Patent read with
Order XXXVI, Rule 9 of Original Side Rules against the order made in
Application No.2423 of 2012 in O.P.No.69 of 2012, dated 06.08.2012.

For Appellants .. Mr.T.T.Ravichandran

For Respondent .. Mr.C.Jagadish

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

Learned counsel for the appellants submits that after the demise of the original respondent/Mr.M.Rajendran, the appeal has become infructuous. But the name of Dr.Mrs.Latha Rajendran has been substituted in his place, vide order dated 10.3.2014 in M.P.No.3 of 2013, while she has no caveatable interest.

2. Learned counsel appearing for Dr.Mrs.Latha Rajendran, on the other hand, submits that her impleadment is not as legal heir of Mr.M.Rajendran, but on account of the provisions of Section 258 of the Indian Succession Act, 1955.

3. The aforesaid controversy has to be determined before the learned Single Judge and it is not an issue before us in the present appeal, which was directed against the impugned order dated 06.08.2012 against the impleadment of Mr.M.Rajendran.

4. The appeal, thus, dismissed as infructuous and parties are at liberty to raise all pleas before the learned Single Judge. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Sub Assistant,
Original Side, High Court, Madras

1 cc to Mr.C.Jagadish ,Advocate, SR.No.7210/15

1 cc to Mr.T.T.Ravichandran ,Advocate, SR.No.7409/15

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ca (co) pmk.23.2.2015