

Application No.5428 of 2016
in
TOS No.28 of 2010

PUSHPA SATHYANARAYANA,J.,

This application has been filed seeking to amend the prayer in Para No.12(a) of the TOS No.28 of 2010 (O.P.No.8 of 2009) as that of "Letters of Administration with the Will annexed of the properties and credits of the deceased" instead of "that he may be allowed to prove the Will in common form and to grant Probate thereof."

2. Heard both sides.

3. One M.R.Kandasamy, who was the Executor of the Will died, pending TOS No.28 of 2010 and the second defendant, viz.,K.Karthikeyan, who is the son of the testator, sought to be transposed as second plaintiff and the said prayer was allowed by this Court, vide order dated 19.08.2016, passed in A.No.3886 of 2016.

4. This application is filed by the said K.Karthikeyan seeking to amend the prayer as "Letters of Administration" as he cannot ask for Probate of the Will in TOS No.28 of 2010.

PUSHPA SATHYANARAYANA,J.,

vj2

5. Inasmuch as the applicant himself is the beneficiary under the Will, and the amendment sought for, is only to that extent, being the consequential amendment, this application is allowed.

6. The applicant is granted two weeks time to carry out the amendment.

20.10.2016

vj2

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