

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 6TH DAY OF FEBRUARY 2018

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

A. No.8244 of 2017

in

O.P. No.584 of 2016

In the matter of the Indian Succession
Act XXXIX of 1925

And

In the matter of Debts of M.Edwin
Thankaraj - Deceased - Intestate

1.B.Santi

W/o.M.Edwin Thankaraj

2.E.R.Amutha Rani

D/o.M.Edwin Thankaraj

(Minor aged 11 years)

Represented by her Guardian
and Mother

B.Santi

Both are residing at

No.43, 1st street,

B.V.Puram, Avadi,

Chennai - 600 054.

: Petitioners

Vs.

The Director

Combat Vehicle Research & Development Estt.

Govt. Of India

Ministry of Defence

Research & Development Organisation

Avadi

Chennai - 600 054.

: Respondent

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: Applicants / Petitioners

Vs.

1.The Director

Combat Vehicle Research & Development Estt.

Govt. Of India

Ministry of Defence

Research & Development Organisation

Avadi

Chennai - 600 054.

: 1st Respondent / 1st Respondent

2.Mrs.M.Chandrabai

Annai Teresa Cottage

Door No.S-2, Plot No.1, Shanmugam Salai

Tiruchendur Nagar, Old Pallavaram

Chennai - 600 117.

: 2nd Respondent / Proposed Party

Application praying that this Hon'ble Court be pleased to implead the 2nd respondent as 2nd respondent in the O.P. No.584 of 2016 as per the Court direction made on 29.11.2017.

This Application coming on this day before this court for hearing the court made the following order:

The petitioner in the Original Petition has been filed the present application seeking to implead Mrs.M.Chandrabai as the 2nd Respondent/Proposed Party in Original Petition. The petitioner is the wife of M.Edwin Thankaraj.

2. The Original Petition has been filed seeking succession certificate in relation to the debts, which had accrued to the credit of M.Edwin Thankaraj.

3. The respondent in the Original Petition was the Director Combat Vehicle Research & Development Establishment, Government of India, Ministry of Defence Research and Development Organization, Avadi, Chennai - 600 054. When the Original Petition was taken up for hearing, the respondent informed the Court that there were, rival claims to the amounts which were due and payable to M.Edwin Thankaraj, who was an employee with the respondent.

4. The second Respondent/ Proposed Party, who is now sought to be impleaded is the rival claimant. Notice has been served and the

learned counsel have entered appearance on behalf of the 2nd Respondent/Proposed Party.

5. The 2nd respondent/proposed party is a necessary party and non impleading would seriously affect the petition for Non Joinder of necessary party. Hence, the application is allowed.

6. Learned counsel is directed to carry out necessary amendments and to serve a copy of one set of amended petition to the learned counsel, who has entered appearance on behalf of the proposed party.

7. Call the matter on 02.03.2018 and print the name of counsel for R1 and R2 in the cause list.

Sd./- C.V.K.J.

06.02.2018

//Certified to be true copy//

Dated at Madras this the th day of 2018.

COURT OFFICER (O.S.)

TPY/21.02.2018

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