



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

C.M.A. (MD) No.1249 of 2017

Ramanathan

... Appellant

Vs.

None

... Respondent

PRAYER: The Civil Miscellaneous Appeal filed under Section 384 of Indian Succession Act, against the judgment and decree dated 08.11.2016 in S.O.P.No.30 of 2016 on the file of the learned Principal District Judge, Thanjavur.

For Appellant : Mr.P.Ganapathi Subramanian

JUDGMENT

This Civil Miscellaneous Appeal is filed against the judgment and decree dated 08.11.2016 in S.O.P.No.30 of 2016 on the file of the learned Principal District Judge, Thanjavur.

2.The appellant herein has filed a petition in S.O.P.No.30 of 2016 for issuance of succession certificate for claiming fixed deposit amount from the Bank as per the Will dated 18.09.2015 executed by one Ranganayaki. However, the Trial Court has dismissed the said petition stating that there is no legal heirs for the deceased Ranganayaki and the appellant herein is not the beneficiary as per the said Will. The appellant was appointed as executor of the said Will after the death of the said Ranganayaki.

3.The learned counsel for the appellant is prepared to implead the beneficiary in the above said application and requested this Court that the matter may be remand back to the Court below for fresh disposal after impleading the beneficiary in the said petition.

4.Considering the request made by the learned counsel for the appellant and also the nature of the dispute and the relief sought for in this case, this Court is inclined to set aside the order passed by the Trial Court in S.O.P.No.30 of 2016 dated 08.11.2016 by remanding the matter back to the Trial Court for fresh disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Accordingly, the order dated 08.11.2016 passed in



S.O.P.No.30 of 2016 passed by the learned Principal District Judge, Thanjavur is hereby set aside and the matter is remanded back to the court below for fresh disposal in accordance with law after impleading the beneficiary as mentioned in the disputed Will.

6. With the above observation, the Civil Miscellaneous Appeal is allowed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Principal District Judge,
Thanjavur.

Copy To:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.P.GANAPATHI SUBRAMANIAN, ADVOCATE IN SR No. 42157

NBJ

TE/GT/SAR-4 : 25/01/2018 : 2P/5C

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