



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD).No.1341 of 2016

and

C.M.P. (MD).No.6421 of 2016

1.Mr.Sethuraman

2.Mrs.Shyamala @ Muthammal ... Petitioners/1st and 2nd Respondents/
1st and 2nd Defendants

-vs-

1.Mr.Ramani @ Karpuram Respondent/Petitioner/
Proposed Plaintiff

M.Rajamani (died) ... Plaintiff

Mr.Ramakrishnan (died) ... 3rd Defendant

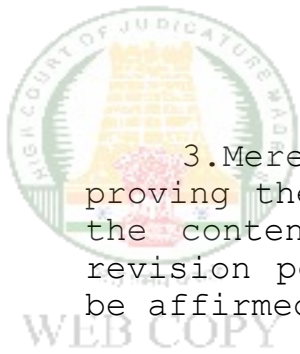
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 10.03.2016 in I.A.No.381 of 2014 in O.S.No.3 of 2012 on the file of the Sub-Court, Kovilpatti.

For Petitioner : Mr.B.Rajesh Saravanan
For Respondent :Mr.N.S.Ramakrishna dass

ORDER

The defendants in O.S.No.3 of 2012 on the file of the Sub-Court, Kovilpatti are the revision petitioners herein. It is a suit for declaration and permanent injunction. After the institution of the suit, the original plaintiff passed away. Thereafter, the respondents herein claiming to be beneficiaries under the Will executed by the original plaintiff filed I.A.No.381 of 2014 for coming on record in the place of the original plaintiff. This I.A was allowed by an order dated 10.03.2016 by the court below. The correctness of the said order is assailed in this Civil Revision Petition.

2.The learned counsel appearing for the revision petitioners contended that there appears to be two conflicting Wills in existence. Therefore, the very question of *locus standi* of the respondents herein to come on record in the place of the original plaintiff has not been proved. The respondents ought to have proved the Will which is stated to be executed in their favour in the main suit.



3. Merely because the I.A was allowed, the requirement of proving the Will cannot be dispensed with. Therefore, leaving open the contentions raised by the learned counsel appearing for the revision petitioners, I am of the view that the order impugned can be affirmed.

4. With this observation, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar (CS-II)

To

THE SUBORDINATE JUDGE, KOVILPATTI.

Copy to: The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1cc to Mr. N. S. Ramakrishna Dass, Advocate, SR.No. 82044
+1cc to Mr. B. Rajesh Saravanan, Advocate, SR.No. 82260

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VS
KK/SKN/SAR-2/10.10.2018/2P-6C