

A.No. 2882 of 2019
in
C.S.No. 799 of 2018

R.SUBRAMANIAN, J.

Admittedly, the applicant is the sister of the deceased S.Kothandam, whose estate is sought to be partitioned in the suit.

2. The plaintiffs have claimed in the plaint that the daughters of Shanmugam (father of Kothandam) have released their rights in the property in the estate of Shanmugam and the properties were partitioned between the sons of Shanmugam under the partition deed dated 21.09.2005. After the said partition, one of the sons of Shanmugam namely, Kothandam died on 12.04.2017. Therefore, according to the plaintiff, she would also be a Class 2 heir being the sister of Kothandam.

3. The learned counsel for the plaintiffs who are cited as respondents 1 and 2 in this application would contend that since the applicant had released her rights in the properties of Shanmugam, she would not be entitled to share. I am unable to accept the said contention. The fact that the applicant had released her rights over the estate of the father will not prevent or disqualify her from claiming a share as Class 2 heir, in the absence of Class I heir/s. More so, when the brother had died after the release in favour of the father.

R.SUBRAMANIAN, J.

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4. In view of the above, I am convinced that the applicant is a necessary party to the suit. Hence, this application is allowed impleading the applicant as 9th defendant in the suit. Counsel for the plaintiffs to carry out the amendment by 30.04.2019 and file amended copy of the plaint.

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10.04.2019



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