

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 30TH DAY OF APRIL 2019

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

A.NO.3556 of 2019

in

O.P.No.137 of 2018

In the matter of Indian  
Succession Act 39 of 1925.  
and

In the matter of estate of  
Shri K.Rajasekaran, the  
Deceased Intestate

G.Kausalya Devi,  
W/o.late T.Anandan  
No.39/20, Sami Reddy Street,  
Egmore, Chennai - 8

...Applicant/3<sup>rd</sup> party-  
Prop.Respondent

**Vs.**

1.K.Kothandapani,  
S/o.Late Shri Kannaiya Naidu  
No.1A, Pethu Naicken Street,  
Kondithope, Chennai -600 079

2.K.Manivannan,  
S/o.Late Shri Kannaiya Naidu  
No.39/81, NSC Bose Road,  
Sowcarpet, Chennai -600 001

3.Kasthuri Thilagam,  
Wife of Srinivasa Naidu and  
D/o Late Shri Kannaiya Naidu  
No.3, Venugopal Street,  
Guduvanchery -603 202  
Kancheepuram District

...Respondents/Petitioners

**A.NO.3556 of 2019:**

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S/o.Late Shri Kannaiya Naidu  
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...Petitioners

Application praying that this Hon'ble Court be pleased to treat this application as urgent implead the Applicant as the Respondent in the baove O.P.No.137 of 2018.

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

This application has been filed for impleading the applicant Kausalya Devi mother of Revathy W/o.Rajasekaran.

2.The Original Petition has been filed seeking Letters of Administration in respect of the estate of the deceased Rajasekaran. But from the facts narracted in the Original Petition, it is seen that Rajasekaran died on 29.05.2002 leaving behind his wife Revathy and his only son Yevanesh. Revathy died on 02.08.2013 and Yuvanesh died unmarried on 02.11.2017. Therefore, the estate of Rajasekaran had vested in his wife and son Yuvanesh on his death. On the death of Revathy her interest for the estate was inherited by Yuvanesh. Therefore, Yuvanesh died as [https://hcservices.ecourts.gov.in/hcservices/](https://hcservices.ecourts.gov.in/hcservices/https://hcservices.ecourts.gov.in/hcservices/) owner of the properties. Hence, Letters of Administration should have been sought for only for the

estate of Yuvanesh. The applicant in A.No.3556 of 2019 is the mother of Revathy/grandmother/mother's mother of Yuvanesh.

The learned counsel for the applicant would contend that she would be Class-II heir of Yuvanesh.

4.A perusal of the Schedule to the Hindu Succession Act shows that mother's mother comes in entry 8 of Class -II heirs, whereas the father's brother comes in entry 7 of Class - II heirs.

5.The petitioners in the main Original Petition admitted are brothers of Rajasekaran. Once the brothers of Rajasekaran who come in entry 7 of Class - II heirs are available the mother's mother who come under entry 8 will not inherit as a Class - II heir. Therefore, the applicant has no chance to succeed to the estate of either Yuvanesh or Rajasekaran. I do not see any necessity for impleading the applicant in the Original petition.

6.Hence this application is dismissed.

WEB COPY

Sd/.R.S.M.J.

30.04.2019

//Certified to be a true copy//

Dated this the        th day of                      2019.

TE/09/05/2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.