

A.No. 6037 of 2019
in
TOS.No. 19 of 2013

R.SUBRAMANIAN, J.

This application has been filed seeking to implead the applicants as plaintiffs in TOS.No. 19 of 2013. TOS.No. 19 of 2013 has been filed by the executor seeking probate for the Will of Late K.C.S.Panchakshari dated 04.06.1984. The testator died on 26.07.1991 leaving behind his wife and four daughters. One of the sons-in-law was appointed as executor under the Will. He had filed the original petition in O.P.No. 421 of 2006 seeking probate. Upon a caveat being entered by one of the daughters namely, Uma Devi, the said original petition was converted into Testamentary Original Suit and numbered as TOS.No. 19 of 2013.

2. Pending the Testamentary Original Suit, the executor namely, M.B.Mahesh died on 12.05.2016. The applicants, who are the other two daughters of the testator are also legatees under the Will. The applicants therefore want to continue the proceedings by impleading themselves as plaintiffs in the Testamentary Original Suit. There is no dispute regarding the status of the applicants and the fact that they are also legatees under the Will.

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3. In view of the same, this application is allowed, the applicants are impleaded as plaintiffs 2 and 3 in the Testamentary Original Suit. Counsel for the applicants to take steps to convert the Testamentary Original Suit, as one for issuance of letters of administration instead of probate.

26.08.2019

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