

A.No.9382 of 2019
in
O.P.No.879 of 2019

P.T. ASHA, J,

The above petition is filed to implead the applicants as respondents 1 to 9.

2.This Original Petition is filed seeking Letters of Administration of the Will of late P.K.Natarajan. The petitioner in the Original Petition who is the 1st respondent herein has filed O.P.No.879 of 2019 stating that he is the adoptive son of P.K.Natarajan and N.Saraswathi and that the said P.K.Natarajan had executed a last Will and testament on 22.01.2015 in and by which he has bequeathed his property described in the schedule to the petition in favour of the 1st respondent herein. The said P.K.Natarajan passed away on 31.03.2017 leaving behind him surviving only his adoptive son, the 1st respondent, his wife having predeceased him on 23.06.2003. The petitioner has therefore taken out this application for grant of Letters of Administration,

3.The applicants herein have come forward with the instant application seeking to implead themselves as parties to the said proceedings. The contentions of the applicants are that P.K.Natarajan had died issueless and had no Class 1 or Class 2 legal heir and the applicants are the legal representatives of P.K.Natarajan father's brother P.M.Govindarajulu. According to the applicants, they would submit that P.K.Natarajan's father, namely, M.Kumarasamy had a brother, namely, P.M.Govindarajulu who had died on 28.02.1970 and they are the agnates through the sons of P.M.Govindarajulu, namely, P.G.Purushothaman and P.G.Kannan, whereas the 1st respondent herein claimed through the sister of P.K.Nataraj's mother Unnamalai Ammal.

4.It is their further contentions that the 1st respondent is not the adoptive son of P.K.Natarajan and further, they would contend that they are only the surviving legal heirs of P.K.Natarajan. The 1st respondent before obtaining the probate of the alleged Will had settled the properties on his wife, the 2nd respondent herein and only when she had initiated rent control proceedings they came to know about the Will and the Settlement.

She had also produced the legal Heriship Certificate said to have been issued by the Tahsildar, Poonamallee Taluk and when the applicants had under the RTI Act raised a query with reference to the genuineness of the said Certificate they had received a reply stating that the Certificate has not been issued by the office of the Tahsildar, Perambalur Taluk. Therefore, it is their case that they have been caveatable interest and have to be heard before any orders passed in the said application.

5.Heard the learned counsel appearing on either side and perused the material on record.

6.Mr.A.Thiyagaran, learned Senior Counsel appearing on behalf of the 1st respondent would contend that the applicants have not let in any proof to show that P.M.Govindarajulu is the brother of M.Kumarasamy, the father of P.K.Natarajan. He would further bring to the attention of this Court the counter filed by the husband of the one of the applicants herein wherein he has set up an independent title and has not traced title to Late P.K.Natarajan. He would further argue that without proving their relationship, the petitioners cannot seek to be impleaded.

7.From the documents filed by the applicants, it is seen that they had filed an application in A.No.1783 of 2019 seeking issue of citation to the respondents herein to produce the last Will and Testament said to have been executed by P.K.Natarajan. This application was moved as the applicants therein has come to learn about the Settlement Deed executed by the 1st respondent in favour of the 2nd respondent in respect of the property over which they had no right. After perusing the Settlement Deed dated 17.07.2017, they had come to know about the Will dated 22.01.2015 and therefore, they have come forward with the said application.

8.In the affidavit filed in support of the said petition, the applicants have very clearly stated as to who are the agnates to the said P.K.Natarajan and also the fact that P.K.Natarajan had no Class 1 or 2 legal heirs to succeed his estate. Despite being put on notice about the same, the respondent has not chosen to implead the applicants as parties in the Original Petition, particularly, when they have a caveatable interest. That apart, the response from the Tahsildar office that the Legal Heirship Certificate produced is not a genuine one also gives the applicants a cause of action being for being impleaded in these proceedings.

Accordingly, this Application is ordered. The applicants are impleaded as respondents in the Original Petition. The petitioners shall take steps to amend the cause title. The applicant shall take necessary steps to file their Caveat as contemplated under Section 284 of the Indian Succession Act.

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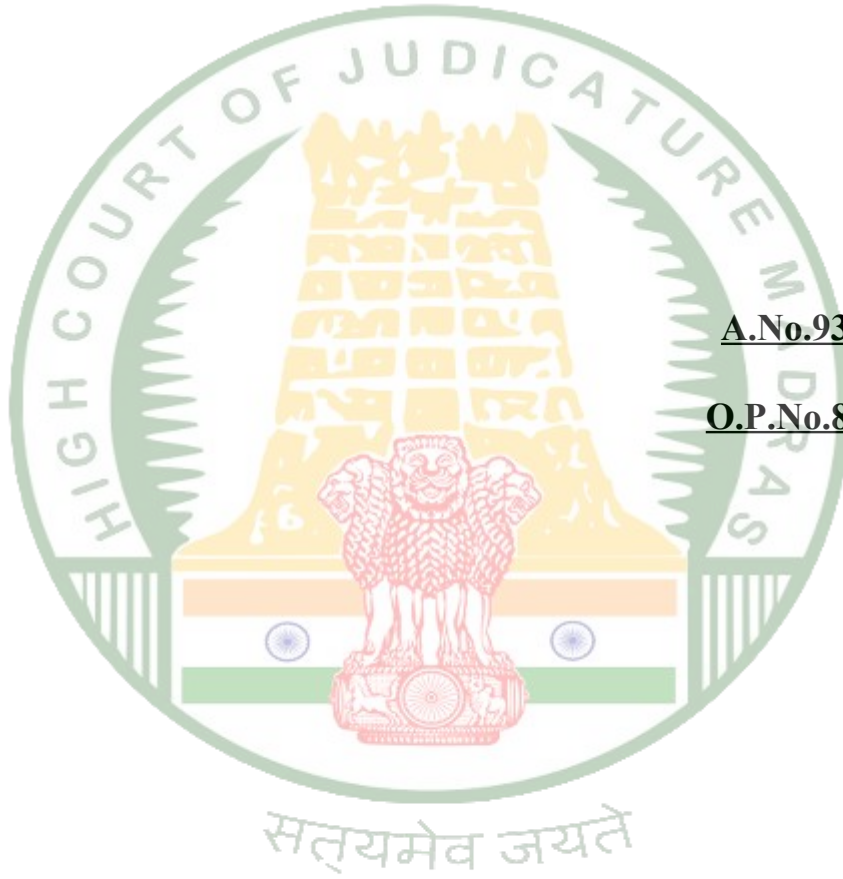


14.09.2020

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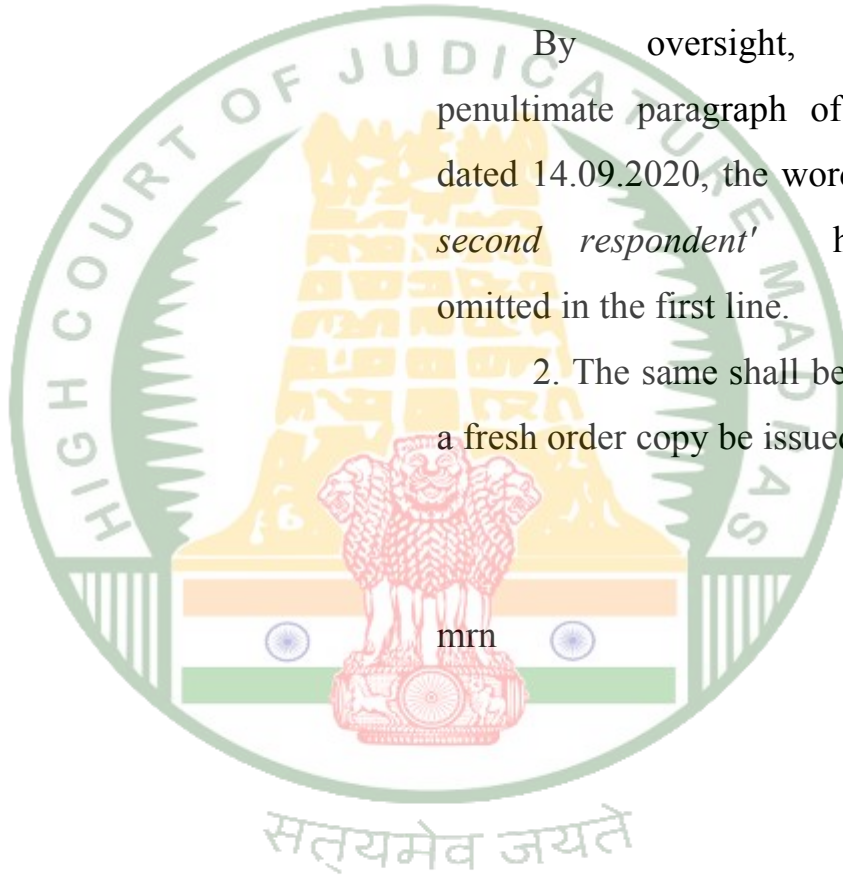
P.T.ASHA, J.

By oversight, in the penultimate paragraph of the order dated 14.09.2020, the words '*and the second respondent*' have been omitted in the first line.

2. The same shall be added and a fresh order copy be issued.

22.01.2021

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