

A.No.1330 of 2021
in
T.O.S.No.1 of 2021

R.SUBRAMANIAN.J.,

The applicants who are third parties to the testamentary original suit seeks to implead themselves as party defendants to the suit.

2. Originally the respondents 1 and 2 herein filed a petition in O.P.No.755 of 2014 and obtained Letters of Administration for the Will said to have been executed by one T.D.Ranganathan on 22.08.2002. The said T.D.Ranganathan had died on 28.05.2006. This Court had in fact granted Letters of Administration by order dated 18.04.2016. Subsequently, at the instance of the respondents 3 and 4 herein, the grant was revoked by this Court and the original petition was converted into a testamentary original suit.

3. In the interregnum, the original petitioners viz., the respondents 1 and 2 herein had sold the property to the applicants, therefore the applicants now seek to implead themselves as defendants.

4. Though this application is opposed on the ground that the applicants do not have a caveatable interest, I do not think that the applicants should be

shown the door on the sole ground that they did not have caveatable interest. No doubt, caveatable interest is required for a person to be a party to a testamentary original suit, but, in this case, since the sale has happened based on the grant made by this Court which was subsequently revoked by this Court, I am of the considered opinion that the applicants who claim to be bonafide purchasers based on the grant made by this Court should atleast be allowed to participate in the proceedings, in order to avoid any further damage to their title and to keep a watch on the conduct of the plaintiffs in prosecuting the testamentary original suit. They are atleast proper parties to the proceedings since they had acquired the interest in the subject matter of the suit. It is made clear that the newly added parties will be in the party array only to watch proper conduct of the proceedings by the plaintiffs.

5. Accordingly, this application is **allowed**. The applicants are impleaded as defendants 3 to 5 in the testamentary original suit. The learned counsel for the plaintiffs to carry out amendment and file amended copy of the plaint in the testamentary original suit.

18.06.2021

dsa

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