



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
(TESTAMENTARY AND INTESTATE JURISDICTION)

FRIDAY, THE 30TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.No.1927 of 2021

in

TOS. No.40 of 1995

In the matter of Indian Succession  
Act, XXXIX of 1925

and

In the matter of the Last Will and  
Testament of T.A.Ganesan –  
(Deceased)

Tmt.K.T.Jothi,  
W/o.Venkataramaraju  
residing at No.29,  
Padmanabhan Street,  
T.Nagar, Madras-600 017.

... Petitioner

-Versus-

1. E.Sambasivan (died)
2. J.S.Metha(died)
3. Karmukil,  
29, Padmanabhan Street, T.Nagar,  
Madras-600 017.
4. Poonghuzhali,  
A-4, 80, Shanthi Colony,  
Anna Nagar, Chennai-600 040.

\*The defendants 3 & 4 are impleaded  
as legal representatives of the deceased  
first defendant as per order dated  
28.06.2005 in A. No.2541 of 2005



5. K.T.RUKMANI GANESAN CULTURAL FORUM,  
Rep.by its Trustee-Secretary  
C.Ramanatha Rao. (died),  
Dr.N.Murugesan President,  
No.7, Chandra Lodge Gandhi-Irwin road,  
Egmore, Chennai-600 008.

5<sup>th</sup> defendant is represented by  
Dr.N.Murugesan, as per the modified order  
in A.No.110 of 2020 dated 10.1.2020

6. T.PONNADIYAN  
S/o.V.T.Nathan, 43. Duraisamy Street,  
Vadapalani, Chennai-600 026

7. C.RAMANATHA RAO (DIED)  
D5 to D7 are to be impleaded as per order in  
A.No.3212 of 2005  
Dated 24.07.2005

8. DR.N.MURUGESAN  
S/o.Narayanasamy, No.16, M.R.R.Tower,  
3rd Street, Sashta Nagar Valasarawakkam,  
Chennai-600 087

9. B.VEERARAGHAVAN  
S/o.V.Balakrishnan,  
No.10/564,10th Block,  
Mogappair East, Chennai-600 037

10. DR.S.S.KUMAR  
S/o.D.Shanmugasundaram,  
No.9, Bhagirathi Amman Street,  
Ondikuppam, Manavala Nagar,  
Thiruvallur-602 002

Defendants 8 to 10 are impleaded as  
as per A.No.109 of 2020  
as per order dated 9-1-2020

..Defendants



WEB COPY A.No.1927 of 2021:

Tmt.K.T.Jothi,  
W/o.Venkataramaraju,  
29, Padmanabhan Street,  
T.Nagar, Chennai-600 017

..Applicant/Plaintiff

-Vs-

E.Sambasivan (died)

J.S.Metha (died)

1. Karmukil,  
29, Padmanabhan Street, T.Nagar,  
Madras-600 017.
2. Poonghuzhali  
A-4, 80, Shanthi Colony,  
Anna Nagar, Chennai-600 040.
3. K.T.RUKMANI GANESAN Cultural Forum,  
Rep.by its Trustee-Secretary  
C.Ramanatha Rao. (died),  
Dr.N.Murugesan President,  
No.7, Chandra Lodge Gandhi-Irwin road,  
Egmore, Chennai-600 008.

5<sup>th</sup> defendant is represented by  
Dr.N.Murugesan, as per the modified order  
in A.No.110 of 2020 dated 10.1.2020

4. T.PONNADIYAN  
S/o.V.T.Nathan, 43, Duraisamy Street,  
Vadapalani, Chennai-600 026

**C RAMANATHA RAO (DIED)**

DEFENDANTS 5 to 7 are to be impleted as per order  
in A.No.3212/2005 dated 27.04.2016



5. DR.N.MURUGESAN

S/o.Narayanasamy,  
No.16, M.R.R.Tower,  
3rd Street, Sastha Nagar Valasarawakkam,  
Chennai-600 087

6. B.VEERARAGHAVAN

S/o.V.Balakrishnan,  
No.10/564,10th Block,  
Mogappair East, Chennai-600 037

7. DR.S.S.KUMAR

S/o.D.Shanmugasundaram,  
No.9, Bhagirathi Amman Street,  
Ondikuppam, Manavala Nagar,  
Thiruvallur-602 002

Defendants 8 to 10 are impleaded as  
per A.No.109 of 2020 as per order dated 9.1.2020

..Respondents/Defendants

8. THE ADMINISTRATOR GENERAL AND OFFICIAL TRUSTEE  
High Court Campus, Chennai - 600 104.

..Proposed Party

Application praying that this Hon'ble Court be pleased to permit the plaintiff to implead the Administrator General and Official Trustee as necessary party to look after the alleged interest of the 2nd Respondent in T.O.S.NO.40 of 1995 and for proper adjudication.



This application coming on this day before this court for hearing, the court made the following order:

This application has been filed seeking to implead the Administrator General and Official Trustee to represent the estate of the 2nd defendant, Mr.J.S.Metha, who has died pending the proceedings.

2.It is seen from the earlier orders that Mr.J.S.Metha has filed a caveat in Caveat No.155 of 1992 in the original petition. It is also seen that the said J.S.Metha had filed O.P.No.747 of 1992 seeking letters of administration for the Will said to have been executed by Mr.T.A.Ganesan. The said Original Petition was converted into a Testamentary Original Suit as TOS.No.41 of 1995. It is not in dispute that TOS.No.41 of 1995 has been dismissed for default and no steps have been taken to restore the same.

3.It is stated that the said J.S.Metha died without heirs and therefore, the Administrator General and Official Trustee is sought to be impleaded. No doubt, the Caveat was filed by the said J.S.Metha in the proceedings, which was the subject matter of TOS.No.41 of 1995. Now that the TOS.No.41 of 1995 was dismissed for default, I do not think it is



Mr.J.S.Metha in this Testamentary Original Suit. Therefore, this application for impleading the Administrator General and Official Trustee is dismissed.

Sd/-R.S.M.J.  
30.07.2021

//Certified to be a true copy//

Dated this the                      day of                      2021

SU/03.08.2021                      COURT OFFICER(O.S.)

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