



CRP.No.3376 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Civil Revision Petition No.3376 of 2015

& M.P.No.1 of 2015

1.M.Venkatesan
2.Lakshmiammal
3.Shanthi
4.Kavitha
5.Magesh

... Petitioners

VS.

1.The Special Tahsildar,
Radial Road Scheme,
Tambaram,
Chennai-45.

2.Kanniammal
3.Samundeshwari
4.K.Sankaran
5.Vijaya
6.Vasanth
7.Kuppan
Respondents

...



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Prayer: Civil Revision Petition has been filed under 227 of Constitution of India against Order dated 09.12.2014 made in I.A.No.4 of 2014 in LAOP.No.5 of 2013 on the file of the Additional Subordinate Court, Chengalpattu.

For Petitioners : M/s.V.B.Premalatha
for Mr.V.Manohar

For R1 : Ms.S.Supraja
Govt.Advocate.

For R2 & R3 : No Appearance

For R4 to R6 : M/s.S.Udhaya Kumar

ORDER

Challenging the dismissal of the application filed for impleading the petitioners in I.A.No.4 of 2014 in L.A.O.P.No.5 of 2013, the present revision has been filed.



2. The Petitioners claim that they are referred as a beneficiary in the

Will and have every right over the property which was bequeathed by one Kanniammal during her life time through the registered Will dated 27.01.1993. The subject matter of the property was acquired for the formation of I.T.Expressway and the acquisition was made without giving notice to all the eligible claimants in the property. The said proceeding was conducted by inviting one set of persons by leaving others from taking part in the inquiry. Moreover, the said proceeding was made in the name of the deceased person Smt.Kanniammal. According to the petitioners, in order to reiterate their rights over the property and to take due share of the deposited amount, they are necessary parties in the proceedings.

3. The third respondent resisted the said impleading application by filing counter stating that the legal heirs of 6th claimant in the original petition has filed a suit for declaration to declare that the Will dated 27.01.1993 is not a valid one and for partition during the year 1996 and the same is pending, but the petitioners have not participated in the said case,



but only with an intention to drag on the proceedings in the main LAOP, the impleading petition is filed.

4. After considering the submissions of both sides, the Court below dismissed the impleading application against which the present revision has been filed.

5. The learned counsel for the revision petitioners would state that the first petitioner is one of the legal heirs of the first claimant Kanniammal and the other petitioners are beneficiaries of the Will. The said Will has been proved before the Court below and the Second Appeal in S.A.No.296 of 2010 is pending before this Court, but, there is no interim order in the second appeal. Admittedly, the petitioners are the beneficiaries in the Will and need to be impleaded in the LAOP.

6. Considering the fact that the the petitioners are the beneficiaries of the Will and the respondents will have no prejudice in impleading them



CRP.No.3376 of 2015

as claimants in the LAOP, I.A.No.4 of 2014 is ordered as prayed for. The order dated 09.12.2014 is set aside. The Civil Revision Petition is allowed.

No costs. Consequently connected miscellaneous petition is also closed.

12.04.2022

Index:yes/no
Internet:yes/no
kkd/nvsri

To

The Additional Subordinate Judge,
Chengalpattu.



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CRP.No.3376 of 2015

J.NISHA BANU, J.

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C.R.P. No.3376 of 2015

12.04.2022