



WEB COPY



A.Nos.3505 & 3506 of 2022
& A.No.2484 of 2022
in OP.No.812 of 2021

KRISHNAN RAMASAMY, J.,

A.No.2484 of 2022 has been filed by the applicant namely Amuthavalli, seeking to implead her as respondent in O.P.No.812 of 2021.

2. According to the applicant herein, she is none other than the grand-daughter of one Late C.S.Lakshminarasimhan, who was blessed with three daughters, viz., Lakshmi, C.L.Saratha and Saraswathy and the present applicant, Amuthavalli was born to Saraswathy.

3. According to the applicant, C.L.Saratha expired on 18.07.2020 and she had no Class I, II and III legal heirs and the applicant herein alone is the Class IV legal heir of the deceased C.L.Saratha. The petitioner, namely, C.Siva in O.P.No.812 of 2021 claims to be the



adoptive son of C.L.Saratha and that she executed a Will in his favour in respect of the petition schedule properties, which is denied by the applicant herein, stating that in order to grab the properties of C.L.Saratha, the petitioner created the alleged Will dated 5.2.2010. The applicant has also filed a caveat in O.P.No.812 of 2021. The applicant also produced a copy of the registered Will dated 12.01.1996 which was said to have been executed by her grand father, C.S.Lakshminarasimhan, bequeathing the property situated at Door no.4, Jawaharlal Nehru Street, T.Nagar, Chennai-17 in favour of his three daughters equally.

4.The learned counsel for the respondent/petitioner would submit that the petitioner claimed the right over the petition schedule properties by virtue of the Will dated 5.2.2010 executed by C.L.Saratha, who adopted the petitioner as her son.

5. In view of the objections raised by the applicant, who claims to be the Class IV legal heir of the deceased C.L.Saratha while the



petitioner in O.P.No.812 of 2021 claims that he is the adoptive son of C.L.Saratha, who executed the Will in his favour, in the interest of justice and for effective adjudication of the matter, this Court feels it appropriate to implead the applicant herein as respondent in O.P.No.812 of 2021.

6. Accordingly, A.No. 2484 of 2022 is allowed as prayed for.

7.A.Nos.3505 and 3506 of 2022 have been filed to recall PW1 for further examination and re-open the case for further examination of PW1.

8. With regard to the recalling of PW1 is concerned, while allowing these applications since the proposed respondent has raised caveat interest, the Registry is directed to convert the present Original Petition into Testamentary Original Suit (TOS) after making necessary amendments by the petitioner in cause title. Hence, no further orders are



WEB COPY



4

KRISHNAN RAMASAMY, J.,

dn

necessary in A.Nos.3505 and 3506 of 2022 and therefore, the same are closed with liberty to file an appropriate application after converting Original Petition into TOS.

dn

25.08.2022

A.Nos.3505 & 3506 of 2022
& A.No.2484 of 2022
in OP.No.812 of 2021

4/4