



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 05TH DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

A.No.3901 of 2021

in

C.S.No.296 of 2019

Deba Prasad Roy,
Son of Late D.N.Roy,
194, Falcons Crest,
G.D.Ambekar Marg,
Parel, Mumbai – 400 012.

... Plaintiff

-Versus-

Dr.Debashish Roy,
Son of Late D.N.Roy,
New No.20, Old No.59, 1st Floor,
Thirumalai Pillai Road, T.Nagar,
Chennai – 600 017.

... Defendant

A.No.3901 of 2021:

Dr.Debashish Roy,
Son of Late D.N.Roy,
New No.20, Old No.59,
Thirumalai Pillai Road, T.Nagar,
Chennai – 600 017.

...Petitioner/Defendant

-Vs-

Deba Prasad Roy,
Son of Late D.N.Roy,
194, Falcons Crest,
G.D.Ambekar Marg,
Parel, Mumbai – 400 012.

... Respondent/Plaintiff



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

This application has been filed by the defendant seeking permission of this court to raise additional issues in CS.No.296 of 2019.

2. Since the Will dated 05.03.2006 has not been probated till date, the issue as to whether the defendant is entitled for entire extent of land in the suit property in pursuance of the Will dated 05.03.2006 is not taken into consideration for framing additional issues.

3. However, since the defendant has paid court fee for counter claim of Rs.40,00,000/- by filing the written statement, the following additional issues are framed:

(a) Whether the plaintiff is liable to pay a sum of Rs.40,00,000/- towards expenses incurred by the defendant in respect of the maintenance of the suit property?

(b) Whether the suit is bad for non-joinder of necessary parties?

4. Additional issues are framed and the application in A.No.3901 of 2021 is allowed. The parties are directed to file affidavit of documents and list of witnesses, if any, within a period of fifteen days from today.



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5. Post the matter on 25.04.2022.

Sd/.P.V.J.
05.04.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/12.04.2022

COURT OFFICER(O.S.)

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