



A. No.5395 of 2022 in T.O.S. No.94 of 2013

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N.SESHASAYEE, J.

This application is to implead the applicants/proposed plaintiffs in T.O.S. No.94 of 2013 as the plaintiffs to continue the proceedings in T.O.S. No.94 of 2013.

2. The executor, who laid the suit is no more. Hence the beneficiaries under the will have moved this court to substitute them in the place of the executor. The defendants take exception to the impleadment of the second applicant to represent the estate. His contention is that she is nowhere related to the testatrix.

3. Heard both sides.

4. In the course of the argument, this court understands that the mother of the second applicant is a named beneficiary under the Will and she is no more. In other words, the second applicant claims to represent the interest of her mother.



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5. The learned counsel for the respondents/defendants made a valid attempt and impressed upon the court that it is not even known whether the second applicant is the daughter of the deceased legatee under the Will. For the present, this court does not consider it necessary to investigate this aspect, as this court is not going to decide the title or the status of the individuals in a testamentary jurisdiction. At any rate, as there is no objection to the first applicant replacing the deceased executor an addition to him will not be of any consequence.

6. Accordingly, this application is allowed.

14.12.2022

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