



WEB COPY



A.Nos.1534 & 1536/2023
in T.O.S.No.27/2021

A.Nos.1534 & 1536 of 2023
in T.O.S.No.27 of 2021

R.N.MANJULA, J.

The applicant are the plaintiffs. A.No.1534 of 2023 has been filed to permit the plaintiffs to amend the affidavit of assets in T.O.S.No.27 of 2021 (OP No.894/2016) in so far as it relates to the Annexure A(Value of the movable and immovable properties of the deceased)

A.No.1536 of 2023 has been filed to permit the petitioner to amend the petition and Schedule of properties in T.O.S. No.27/2021 (O.P.No.894 of 2016) in so far as it relates to the Annexure “A” (Value of the movable and immovable properties of the deceased).

2. The learned counsel for the plaintiffs submitted that the first plaintiff trust is a legatee of the deceased DR.M.A.M.Ramaswamy, named in his last Will and Testament dated 18.02.2015; the Original Petition in O.P. No.864/2016 filed for grant of Letters of Administration in respect of the said will was later converted into T.O.S. No.27 of 2021 due to the caveat filed by the respondents; in Annexure 'A' of the Affidavit of Assets, the valuation of all estate possessed by the deceased has been mentioned



A.Nos.1534 & 1536/2023
in T.O.S.No.27/2021

and inadvertently certain movable properties in the form of shares and certificates which are listed under were omitted to be mentioned:

Sl.No.	Name of Companies	Equity No.of share of Rs.10/- each	Value Rs.
1	Apollo Hospital and Enterprises Limited	10,000	1,00,00/-
2	Vijaya Commercial Credit Limited	870/-	8,700/-
3	Chettinad Morimura Semi-Conductor Material P.Ltd.	21,81,321/-	21,81,321/-
4	Manipal Industries Limited	40	400/-
5	Bharat Paper Mill (P) Limited	5,000/-	50,000/-
6	Karur K.C.P.Packaging Limited	2,500/-	25,000/-
7	Navabharath Ferro Alloys Limited	18,835/-	1,88,350/-
8	National Savings Certificate of face value of	No.39EE 709742	10,000/-
		No.14DD 957673 for	5,000/-
		No.14DD 221255	5,000/-
9	Deposit by Dr.M.A.M.Ramasamy in M/s.Chettinad Coal Washeries Pvt. Ltd.		55,21,38,122.91
		Total	57,43,43,782.91

Hence the applications have been filed to amend the petition and schedule of movable properties to include the above assets and suitably amend the total value in both schedule of the petition as well as the affidavit of assets.



A.Nos.1534 & 1536/2023
in T.O.S.No.27/2021

WEB COPY

3. The learned counsel for the respondents filed a counter by questioning the title of testator and entitlement of the trust to the assets now sought to be included.

4. It is a settled position of law that the testamentary Courts are not expected to decide the entitlement of the parties except to decide about the genuineness of the Will in respect of which the probate of Letters of administration is granted. In case the applicants successfully prove the Will and if the role of assets of the testator has not been included, the applicants will not be able to administer them if those assets are not mentioned in the annexures. To avoid such difficulties, I feel that the particulars now sought to be amended should be allowed to be done. The respondents / defendants are at liberty to raise their contentions now made in their counter, in their additional written statement which they can file subsequent to the amendments.

5. With the above observations, these applications are allowed.

12.06.223

bkn



WEB COPY



A.Nos.1534 & 1536/2023
in T.O.S.No.27/2021

R.N.MANJULA, J.

bkn

A.Nos.1534 & 1536 of 2023
in T.O.S.No.27 of 2021

12.06.2023