



A.No.2437 of 2023
in TOS.No.10 of 2013
& A.No.1880 of 2023
TOS.No.44 of 2013
& C.S.Nos.22 of 2023 & 202 of 2021

P.B.BALAJI, J.,

This application has been filed to implead the applicant Mr.S.Ashok Kumar as defendant in TOS.No.10 of 2023 in O.P.No.715 of 2013.

2.The applicant is the own brother of the plaintiff in TOS.No.10 of 2023 and he has been already impleaded in TOS.No.44 of 2013, as legal representative of the deceased father. However, the learned counsel for the plaintiff submits that the applicant is not a proper and necessary party and he does not have any caveatable interest.

3.However, I find from the records that the deceased testatrix left behind no Class-I legal heirs and but for the Will there is a likelihood, subject to the claim of the heirs of the husband, that the petitioner may become entitled to a share in the estate of the testatrix. Hence, I find that the applicant is a necessary party. Accordingly, this application is allowed.

4.Amendment to be carried out or before 19.06.2024. The newly



added defendant shall file written statement on or before 02.07.2024, on which date, issues will be framed/recast, if necessary, and trial will proceed.

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No further time will be granted.

4.Post the matter on 02.07.2024.

11.06.2024
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