



A.No.1697 of 2023 in

TOS.No.4 of 2006

R.N.MANJULA,J.

The applicants have filed this application to implead themselves as plaintiffs 2 and 3 in view of the death of V.Sethuraman, plaintiff / executor who had filed O.P.No.664 of 2005 for grant of probate in respect of the Will dated 27.12.2004 executed by one T.Pullanna Gupta. However, the original petition got converted as TOS No.4 of 2006 due to the caveat filed by the respondents. During the pendency of TOS.No.4 of 2006, V.Sethuraman died. The applicants who claimed to be the legal heirs of one M.Sukumari who was also one of the beneficiary of the Will executed by Pullanna Gupta, have filed an application to implead themselves as plaintiffs 2 and 3.

2. The learned counsel for the respondents 1, 4 to 6, 8 to 12 have submitted that the applicants have not produced the death certificate and the legal heir certificate of Sukumari. It is further submitted that the respondents are not aware of the role played by the deceased 39th respondent in the original petition as power agent of other beneficiaries



(Respondents 36, 37, 38, 40, 41, 43, 44 & 45). Similar application has already been filed by one of the beneficiary by name Thallam Ram Mohan Rao and hence, this application is not maintainable.

3. The learned counsel for the respondents 9 & 10 appeared and stated that they have no objection for allowing this application.

4. The serious objection raised by the contesting respondents is for non-production of death certificate and legal heir certificate of the 39th respondent by name Sukumari. However, the applicants have now produced the death certificate and legal heir certificate of late Sukumari. The death certificate would show that Sukumari died on 05.12.2021 and in the legal heir certificate, the applicants are shown as the living legal heirs of Sukumari. There is no dispute about the fact that the executor V.Sethuraman died during the pendency of the proceedings in TOS.No.4 of 2006.

5. It is learnt from the submission made by the learned counsel for the applicants that the earlier applicant by name Thallam Ram Mohan



Rao who had filed similar application to implead himself as a plaintiff is not interested to pursue the application.

6. The learned counsel for the applicants also holds vakalat for the other applicant by name Thallam Ram Mohan Rao and he has withdrawn the application filed by the said person who sought to implead himself as 2nd plaintiff.

7. Now, the proceedings are pending without any plaintiff and for that reason, the proceedings cannot be progressed. Leaving open the other substantial objection with regard to the entitlement of the applicants to get probate in respect of the said Will, I feel this application should be allowed in order to enable the proceedings to progress further. Since the applicants have produced the death certificate and legal heir certificate of the deceased Sukumari who was the 39th respondent and one of the beneficiary of the Will, the prayer sought by the applicants is considered in the interest of justice and consequently, this application is allowed.



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R.N.MANJULA,J.

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8. The learned counsel for the applicants is directed to carryout the necessary amendments in the cause title and file an amended copy of the plaint.

27.04.2023

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