



WEB COPY



C.M.P.Nos.11454 & 11455 of 2021
in
A.S.Nos.12 & 13 of 2021

R.SUBRAMANIAN, J.
and
R.KALAIMATHI, J.

These Civil Miscellaneous Petitions have been filed to bring on record the legal representatives of the deceased Appellant in A.S.Nos.12 & 13 of 2021 respectively.

2.The only objection raised on behalf of the respondent is that the proposed legal heirs, who are the petitioners are neither Clause-1 nor Clause – II heirs. They claim under a Will. According to the learned counsel, the Will is not admitted. Hence, these petitions shall not be allowed. We have considered the submissions.

3.A mere fact that a person brought on record as legal heir of the deceased already will not cloth him or her with a right of succession. If the petitioners claim under a Will, they will take the estate only upon proof of the Will. However, they can be allowed to prosecute the appeal as representatives of the appellant. Hence, these petitions are allowed. The petitioners herein are brought on record as appellants 2 and 3 in both the appeals.



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5. This order will not confer any right on the newly impleaded parties unless they prove the Will.

(R.S.M., J.) (R.K.M., J.)
26.07.2023

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C.M.P.Nos.111454 & 11455 of 2021
in
A.S.Nos.12 & 13 of 2021