



WEB COPY



C.M.A No.2849 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2023

CORAM

MR.JUSTICE N.SESHASAYEE

C.M.A.No.2849 of 2023

Kandasamy

... Appellant

Vs.

NIL

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Order XLIII Rule 1 of Civil Procedure Code under Section 299 of Indian Succession Act, 1925, seeking to set aside the order and decretal order dated 19.09.2023 made in Probate O.P.No.21 of 2021, on the file of the Principal District Judge, Dharmapuri.

For Appellant : Mr.J.Jayan

JUDGMENT

The Probate O.P was dismissed by the trial Court on the solitary ground that the propounder of the Will did not implead the other relations who are likely to be affected on proof of the Will. This is now under



C.M.A No.2849 of 2023

challenge.

WEB COPY

2.Mr.J.Jayan, the learned counsel for the appellant, undertakes to implead the other near relations who would be excluded from inheriting a share in the legacy, if the Will is proved to be genuine. The said statement is hereby recorded.

3.Accordingly, this Court is inclined to set aside the order and decreetal order dated 19.09.2023, and remit the matter back to the trial Court. The appellant / petitioner before the trial Court is directed to file an impleading application within a period of two (2) weeks from today.

4.The Civil Miscellaneous Appeal stands allowed. No costs.

24.11.2023

Anu

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

Note to office: Issue order copy on 24.11.2023



C.M.A No.2849 of 2023

To

The Principal District Judge, Dharmapuri.

WEB COPY

N.SESHASAYEE, J.



WEB COPY



C.M.A No.2849 of 2023

Anu

C.M.A.No.2849 of 2023

24.11.2023