



C.M.A.No.957 of 2024  
and C.M.P.No.8938 of 2024

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**RESERVED ON : 19.09.2024  
DELIVERED ON : 26.09.2024**

**CORAM**

**THE HONOURABLE MRS. JUSTICE R.HEMALATHA**

**C.M.A.No.957 of 2024**

**and**

**C.M.P.No.8938 of 2024**

1. Dayanlan Naidu
2. D.Harish
3. D.Rajesh
4. Priya Madhuvrata

... Appellants / Defendants 1 to 4

Vs.

1. C.Vasanth Kumar
2. Champalatha

... Respondents 1 to 2 / Plaintiffs

3. Setty Venkata Siddartha
4. Setty Sujatha
5. S.Jaffer Hussain
6. Abdul Hakh
7. Muneer Khan
8. Moulana
9. A.S.Nagalatha
10. G.Jothi Priya
11. S.Raghavendra
12. Chandrasekaran
13. Kalpana
14. Yugandhar
15. Subathra



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16. R.Pradeep
17. G.Gopi
18. M.Amul
19. G.Sridhar
20. Abdul Razad
21. Thenmozhi
22. Uma Rani
23. Lakshmi
24. A.M.Charan Kumar
25. E.Bhavani
26. R.Murugan
27. R.Ravindranath
28. R.Babu
29. Gomathiselvi
30. Madhavan
31. K.Manikandar Subbiah
32. V.Kumar
33. Iswarya
34. Dharmalingam
35. Vijayalakshmi
36. K.Mohana
37. D.Shobiya
38. Geetha
39. Yuvaraj
40. R.Vijay
41. Jeevitha
42. T.Ramesh
43. Keerthi Priya
44. C.Ambrose
45. M.Mohana Priya
46. M.Murali
47. V.Thilakaraja
48. N.Jayasuriyan
49. M.Karthik
50. Rahana Begum
51. M.Pushpavathi
52. N.Panneerselvam



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53. K.Siva Chidambaram  
54. P.Padma  
55. L.Sundaramoorthy  
56. P.Thatchayani  
57. M.Gayathiri  
58. R.Revathi  
59. K.Manikandan Subhaiyan

60. The Revenue Divisional Officer,  
Ponneri Taluk, Tiruvallur District.

61. The Tahsildar,  
Ponneri Taluk, Tiruvallur District.

62. The Sub Registrar,  
Red Hills Sub Registrar Office,  
No.2, Sothupakkam Road,  
Next to Sivan Koil, Palavoyal,  
Red Hills, Chennai - 600 052.

... Respondents / Defendants 5 to 64

**PRAYER:** Civil Miscellaneous Appeal filed under Order 43 Rule 1 of C.P.C., to set aside the orders dated 29.02.2024 in I.A.No.1/2023 in O.S.No.581/2022 on the file of the IV Additional District Court, Tiruvallur at Ponneri.

For Appellant : Mr.S.R.Rajagopal, Senior Counsel  
for Mr.C.V.Shailandhran

For RR1 and 2 : Mr.Sarath Chandran  
for Mr.P.Chandrasekar

### **JUDGMENT**



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The present appeal is filed challenging the orders passed in I.A.No.1/2023 in O.S.No.581/2022 on the file of the IV Additional District Court, Tiruvallur at Ponneri.

2. The respondents 1 and 2 are the plaintiffs in the suit in O.S.No.581/2022 against sixty four defendants including the present appellants for declaration to declare the following documents as null and void :

- i. The Wills dated 24.08.1979 and 27.12.1983 executed by Chakrapani Naidu and Bakthavatchalu Naidu.
- ii. Release Deed dated 14.03.2007 executed by the fourth defendant in favour of the defendants 2 and 3.
- iii. Partition Deeds dated 14.07.2008, 25.07.2007, 07.05.2007 and 21.11.2007.
- iv. Settlement Deed dated 06.09.2007 executed by the defendants 1 to 3 in favour of the fourth defendant.

2.1. They further prayed for partition of the properties in Old



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Survey No.84/3, New Survey No.84/3A, 84/3B, 84/3C, 84/3D, 84/3E of Naravarikuppam Village measuring 0.34 cents into three equal shares and to allot two such shares to them.

2.2. The partition of Survey No.84/2B of Naravarikuppam Village admeasuring 0.10 cents into two equal shares and to allot one such share to them.

3. The plaintiffs filed I.A.No.1/2023 under Order 39 Rule 1 and 2 C.P.C. for a temporary injunction restraining the sixty fourth defendant from any way accepting the documents pertaining to the suit properties for registration till the disposal of the suit.

4. The suit in O.S.No.581/2022 is based on a Will dated 10.04.1980 allegedly executed by one Mythili, the wife of Chakrapani Naidu in favour of the plaintiffs C.Vasanthkumar and Champalatha.

5. The learned trial court judge allowed I.A.No.1/2023 vide his



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orders dated 29.02.2024, aggrieved over which, the present appeal is filed by the defendants 1 to 4.

6. For the sake of convenience the parties are referred as per their ranking in the trial court and at appropriate places their ranks in the present appeal would also be indicated.

7. One Bakthavatchalu Naidu owned large extents of land at Ponneri Taluk and effected a partition with his two sons Chakrapani Naidu and Dayalan Naidu. As per the Partition Deed dated 29.03.1959 registered as Document No.769/1959, 'A' schedule property was allotted to Bakthavatchalu Naidu, 'B' schedule property to Chakrapani Naidu, 'C' schedule property to Dayalan Naidu and 'D' schedule property was retained in common, to be enjoyed by both the sons of Bakthavatchalu Naidu. The 'D' schedule property (Venkateswara Rice Mill) consists of 39 cents in Survey No.86/3 and 34 cents in Survey No.84/3 of Naravarikuppam Village.

8. Chakrapani Naidu was the elder son and Dayalan Naidu, the



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younger one. Another undivided share in Survey No.84/3 and 86/3 of Naravarikuppam Village in the name of Ganapathy Pandian Nadar was released in the name of Chakrapani Naidu by way of a Release Deed dated 25.08.1960. In 1972, Dayalan Naidu aggrieved over the partition of joint family properties (vide Partition Deed dated 29.03.1959) filed a suit against his own father, mother and brother in O.S.No.51/1972 on the file of the Sub Court, Chengelpet. This suit was later transferred to Sub Court, Tiruvallur and renumbered as O.S.No.10/1979. This suit was for partition of 'D' schedule property (Venkateswara Rice Mill) which got enlarged after the release of the 50% undivided share released in favour of Chakrapani Naidu and other family properties left out in the earlier partition on 29.03.1959.

9. The elder brother Chakrapani Naidu was married to one Mythili and they had no children. On 24.08.1979, Chakrapani Naidu executed an unregistered Will at Naravarikuppam Village in respect of all his landed properties including his share in 'D' schedule property. In the said Will he had created life estate with equal rights in favour of his mother Kannammal and his wife Mythili for enjoyment of the same without any right of alienation and after their lifetime, all the properties would devolve



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on the children of his younger brother Dayalan Naidu. In the same Will he had also vested his properties in Pallikuppam Village, Palavoyal Village, Athivakkam Village and Theerthakarayampattu Village in favour of the children of his brother Dayalan Naidu and another property (mentioned in the schedule) in S.No.91/3 measuring 1 acre in Naravarikuppam Village in favour of his sisters namely Sarojammal, Vasanthammal, Lalithammal and Kuttiammal with equal rights. However, even before this Will dated 24.08.1979, the father, Bakthavatchalu Naidu had executed one Will on 12.05.1977 registered as Document No.19/1977 in which he had bequeathed his self acquired property namely Padmavathi Rice Mill to and in favour of Dayalan Naidu and his one third share in Venkateswara Rice Mill property to Chakrapani Naidu specifically mentioning that if, Chakrapani Naidu does not have any children, the property would devolve on the children of Dayalan Naidu.

10. The suit in O.S.No.51/1972 (renumbered as O.S.No.10/1979)



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was finally decreed on 27.06.1983 with Bakthavatchalu Naidu, his wife Kannammal and son Dayalan Naidu getting one third share each in the suit properties mentioned in O.S.No.51/1972 (renumbered as O.S.No.10/1979). Subsequently, on 27.12.1983, Bakthavatchalu Naidu executed one more Will at Madhura Pallikuppam Village in the presence of witnesses. In this Will he bequeathed his properties allotted to him under schedule 'A' of the Partition Deed dated 29.03.1959 and also those allotted to him vide decree in O.S.No.10/1979 by Sub Court, Tiruvallur. Besides these he also mentioned about his self acquired properties in S.No.84/2 Thiru.Vi.Ka Street, Naravarikuppam Village and another bearing Door No.45/2, Thulukkan Chathiram Street, GN4 Road and bequeathed them in favour of the sons of Dayalan Naidu viz., Rajesh and Harish. One Doss Naidu was appointed as the Executor of Will. Subsequently, Bakthavatchalu Naidu expired on 07.07.1985. His widow Kannammal died on 21.12.1990. Chakrapani Naidu died on 08.03.1980 even before the decree passed in O.S.No.51/1972. His wife Mythili executed a registered Will on 10.04.1980 bequeathing her properties to and in favour of her brother Gajapathy Naidu and his son Vasanthkumar and daughter Champalatha. This Will was even during the lifetime of Kannammal, the mother of Chakrapani Naidu.



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11. The plaintiffs in O.S.No.581/2022 are C.Vasanthkumar and Champalatha. They are nephew and niece of Mythili, the wife of Chakrapani Naidu. This suit was initiated for setting aside several transactions as against 64 defendants. The order in I.A.No.1/2023 in O.S.No.581/2022 is the subject matter of this Civil Miscellaneous Appeal. According to them, after the demise of Chakrapani Naidu, Mythili had executed a Will dated 10.04.1980 in which she had bequeathed all the properties flowing to her from her deceased husband Chakrapani Naidu, in favour of her brother, Gajapathy and his children, who are the plaintiffs in O.S.No.581/2022. This Will was reportedly executed in Chennai and therefore, needed to be probated.

12. One of the plaintiffs Champalatha filed another suit earlier in O.S.No.189/2020 against her own brother C.Vasanthkumar on the file of the same court and got a consent decree on 22.10.2021 in which relief of partition was granted based on the Will dated 10.04.1980. In this suit, the plaintiffs had relied on the legal heirship certificate of Chakrapani dated 12.05.1980 which showed only his widow Mythili as his Class I legal heir



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while his mother Kannammal was very much alive. She expired only on 21.12.1990. This decree was set aside by this Court in C.R.P.No.2954/2021 by a learned Single Judge of this Court with a direction to implead Dayalan Naidu and his two sons as parties to the suit. Much before this suit, the plaintiffs (in O.S.No.581/2022) along with their father Gajapathy Naidu filed CS.No.563/1981 on the file of this court which was transferred to IV Additional City Civil Court, Chennai due to change in pecuniary jurisdiction and renumbered as O.S.No.3403/1997. It was dismissed for default on 17.10.2010. Efforts to restore the suit in I.A.No.23148/2006, I.A.No.7867/2008 and 7868/2008 also failed as they were also dismissed for non-representation on 04.02.2010. This suit was allegedly for administration of the properties as per Will dated 10.04.1980. The first defendant in this suit in O.S.No.3403/1997 was Dayalan Naidu, who in his written statement had mentioned about the Will dated 24.08.1979 of Chakrapani Naidu, his brother.

13. As on date, both the suits in O.S.No.189/2020 and O.S.No.581/2022 filed by the present respondents are pending on the file of



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the IV Additional Sessions Judge, Ponneri. One more suit in O.S.No.22/2011 on the file of the Principal District Court, Tiruvallur also is pending. This suit was filed by the four sisters against Dayalan Naidu in which they denied the existence of the two Wills dated 24.08.1979 and 27.12.1983 executed by Chakrapani Naidu and Bakthavatchalu Naidu, respectively. They had sought their share in the joint family properties.

14. In O.S.No.581/2022 the defendants (appellants herein) filed I.A.No.2/2023 under Order 7 Rule 11 C.P.C. praying to reject the plaint. The said petition was dismissed by the trial court as against which C.R.P.No.1368/2024 was filed before this Court. This Court dismissed C.R.P.No.1368/2024 and further stayed all the three suits in O.S.Nos.22/2011, 581/2022 and 189/2020.

15. This Civil Miscellaneous Appeal filed by the appellants / defendants in O.S.No.581/2022 is against the order in I.A.No.1/2023 in O.S.No.581/2022. The petition in I.A.No.1/2023 in O.S.No.581/2022 was filed by the plaintiffs under Order 39 Rule 1 and 2 of C.P.C. to grant an order of interim injunction restraining the 64th defendant, the Sub Registrar,



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Red Hills from in any way accepting the documents for registration pertaining to the schedule mentioned properties till the disposal of the suit.

This was granted by the lower court and hence, the present Civil Miscellaneous Appeal.

16. Heard Mr.S.R.Rajagopal, learned Senior Counsel assisted by Mr.C.V.Shailandhran, learned counsel appearing for the appellants and Mr.Sarath Chandran, learned counsel appearing for the respondents 1 and 2.

17. It was pointed out by the learned Senior Counsel for the appellants that the plaintiffs in O.S.No.581/2022 have continued to abuse the judicial process by not coming to the court with clean hands. According to him, even as early as 1981 the plaintiffs in C.S.No.563/1981 (renumbered as O.S.No.3403/1997) had averred in their plaint as under

*"The plaintiffs 2 and 3 are the sole legatees of their father's sister C.Mythili, who died on 15.09.1980 leaving a registered Will dated 10.04.1980. The Will is the subject of proceedings in this High court in the testamentary jurisdiction. The plaintiffs have applied for probate of the Will and the application for probate was filed on 12.01.1981."*



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However, it was also pointed out by the learned Senior Counsel for the appellants that the averments in the plaint in O.S.No.581/2022 by the same plaintiffs read as under

*"The plaintiffs respectfully submits that even though the plaintiff's mother was one of the attesting witness of the Will dated 10.04.1980 executed by Mythili, the plaintiffs were not aware of the existence of the above said Will till the filing of the restoration petition in C.S.No.563/1981 which was renumbered as O.S.No.3403/1997."*

18. According to the learned Senior Counsel, if this version is to be believed then it is found to be totally contradictory to the averments earlier referred to. It is to be noted that the petition in I.A.No.23148/2006 under Order IX Rule 9 CPC for restoration of O.S.No.3403/1997 was filed six years after the dismissal of the said suit on 17.10.2010 and twenty six years after the date of the Will. It was also pointed out by the learned Senior Counsel for the appellant that in the same plaint, the plaintiffs have also averred as under

*"As the plaintiffs were minors, their father Gajapathy Naidu filed the suit in C.S.No.563/1981 on the file*



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**WEB COPY** *of the Hon'ble High Court of Madras seeking for  
administration of the property of the deceased Chakrapani  
Naidu and other reliefs."*

This averment according to the learned Senior Counsel defies logic because this suit cannot be sustained based on an unprobated Will dated 10.04.1980 and had they filed the application for probate in 1981, they ought to have brought that fact to the knowledge of the Court in O.S.No.581/2022.

19. Per contra Mr.Sarath Chandran, learned counsel for the respondents contended that Dayalan Naidu in his Application Number 2197/1982 in C.S.No.563/1981 did not mention the Will dated 24.08.1979 executed by Chakrapani Naidu dated 24.08.1979 and similarly even in O.S.No.10/1979 there was no averment in this regard. Therefore, it was argued that the Will dated 24.08.1979 purported to have been executed by Chakrapani Naidu is shrouded in mystery. In this backdrop the verdict in C.R.P.No.1368/2024 by this Court staying all further proceedings in O.S.No.22/2011, O.S.No.189/2020 and O.S.No.581/2022 on the file of IV Additional Sessions Court, Thiruvallur at Ponneri till the final decision is arrived in O.P.742/2023 pending on the original side of this Court, is fair



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and reasonable, he argued. The orders in the present civil miscellaneous appeal, according to the learned counsel, should in no way disturb the present status, was his contention. He also pointed out that the injunction order in I.A.No.1/2023 in O.S.No.581/2022 will avoid multiplicity of litigations.

20. There are certain prominent grey areas in the case of the plaintiffs in O.S.No.581/2022.

- a) The paternal aunt of the plaintiffs in O.S.No.581/2022, died on 16.09.1980 after the demise of her husband Chakrapani Naidu on 08.03.1980 but executed a Will in favour of the plaintiffs on the 34th day post his demise i.e., 10.04.1980.
- b) The legal heirship certificate dated 12.05.1980 produced by the plaintiffs in O.S.No.189/2020 showed only Mythili, the widow of Late. Chakrapani Naidu as his legal heir though his mother Kannammal was alive. She died only on 21.12.1990.
- c) The suit in C.S.No.563/1981 later renumbered as O.S.No.3403/1997 and transferred to IV Additional City Civil Court, Chennai, was allowed to be dismissed for default on 17.10.2000 once and on



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13.12.2007 the second time. No seriousness was shown in pursuing it.

- d) In the same C.S.No.563/1981 (O.S.No.3403/1997) Gajapathy Naidu, the father had averred that the application of the probate of the Will dated 10.04.1980 was filed on 12.01.1981 before this Court. Surprisingly, there is no mention about this petition in any of the subsequent averments thereby proving the claim of the petitioners about ignorance of this Will, as wrong. The result of the petition for probate of the Will is not known yet.
- e) The filing of a suit in O.S.No.189/2020 by Champalatha before the IV Additional District Judge, Ponneri, based on the Will dated 10.04.1980 against her own brother Vasanthkumar and obtaining a consent decree on 22.10.2021 was clearly a deliberate act of collusion and fraud about which the following strong observation was made by a Single Judge of this Court (Hon'ble Mr.Justice N.Seshasayee) in C.R.P.No.2954/2021 dated 28.04.2023.

*"The game-plan is far too obvious that it does not require a Sherlock Holmes to unravel it ....."*

*"They walked into a Court with an unprobated Will and induced the Court to pass a decree through the consent offered by the defendant, a ploy that as evidently worked its*



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*way to distract the Court".*

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f) A bare perusal of the contents of the Will dated 12.05.1977 executed by Bakthavatchalu Naidu clearly shows that he had bequeathed his self acquired property in Naravarikuppam Village to and in favour of his younger son Dayalan and specifically mentioned that Chakrapani or any other person will not have any share in it. He has also bequeathed his 1/3rd share in Venkateswara Rice Mill to his elder son Chakrapani specifically stating that in case Chakrapani is not blessed with a kid the property would devolve on his younger son Dayalan Naidu and his sons.

g) Chakrapani Naidu in his Will dated 24.08.1979 bequeathed all his properties except the property mentioned in the schedule of the Will to his brother Dayalan's sons with a life estate to his mother Kannammal and his wife Mythili in equal proportion. The property mentioned in the schedule of the Will was bequeathed to his sisters.

h) Subsequent to the demise of Chakrapani, on 08.03.1980, his widow Mythili executed a Will in Chennai on 10.04.1980 in which she has stated that all the movable and immovable properties belonging to her



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husband Chakrapani Naidu and inherited by her will go to her brother Gajapathy and his children Vasanthkumar and Champalatha who were minors then. She had further stated that she is likely to get a child and in case the child is born all the properties inherited by her from her husband would go to her child whose guardian will be her brother. This Will having been executed in Chennai has got to be probated. The other two earlier Wills were not executed in Chennai.

- i) Bakthavatchalu Naidu in the year 1983 on December 27, executed a second Will. In this Will he had mentioned that his younger son Dayalan was aggrieved over the distribution of his estate and initiated a litigation in O.S.No.10/1979 in Sub Court, Thiruvallur. During the pendency of the suit, his elder son Chakrapani died. This suit was decreed on 27.06.1983 and this Will was subsequent to the decree. Through the said Will he had bequeathed 'A' schedule property mentioned in the Partition Deed dated 29.03.1959 and the properties decreed in his favour in O.S.No.10/1979, in favour of his grandsons born to Dayalan. Besides these properties, he had also bequeathed a vacant site in Survey No.84/2 of Naravaikuppam Village and a building in GN4 Road bearing Door No.45/2, Thulukkan Chathiram.



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Bakthavatchalu Naidu in this Will had also confirmed that he had executed the first Will on 12.05.1977 and also confirmed the Partition Deed dated 29.03.1959.

- j) A reading of all the four Wills shows that only the Will executed by Mythili has to be probated and not the other three Wills due to the place of execution. Moreover, the other three Wills have clarity on the description of the properties and the beneficiaries of the Will while the Will dated 10.04.1980 executed by Mythili does not describe any of the properties. Moreover, as per the Will of Chakrapani Naidu dated 24.08.1979 Mythili had only life estate on the properties of Chakrapani Naidu, her husband. However, the veracity and the genuineness of this Will alleged to have been executed by Chakrapani is questioned by the respondents / plaintiffs. According to them, if it had been true, Dayalan Naidu would have mentioned about the existence of the Will in his Application No.2197/1982 in C.S.No.563/1981 (later renumbered as O.S.No.3403/1997) on the file of the IV Additional City Civil Court, Chennai.
- k) Though it is argued by Mr.Sarath Chandran, learned counsel for the



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respondents that Dayalan Naidu (father of the appellants) did not mention about the Will dated 24.08.1979 executed by Late. Chakrapani Naidu in the suit in O.S.No.10/1979 it cannot be accepted. This is because the suit in O.S.No.10/1979 was a renumbered suit of O.S.No.51/1972 and the Will was executed only in August 1979.

- 1) Another intriguing aspect is that the legal heirship certificate of Chakrapani Naidu dated 12.05.1980 did not contain the name of his mother Kannammal thereby creating doubts regarding the intentions of the plaintiffs in the suit in O.S.No.581/2022. As on the date of legal heirship certificate i.e. 12.05.1980, Chakrapani's mother Kannammal, who was the other Class I legal heir was very much alive.

21. As already pointed out by the learned Senior Counsel for the appellants the manner in which O.S.No.189/2020 was filed and a consent decree obtained definitely do not augur well for the respondents / plaintiffs who ought to have desisted from such collusive tactic. One argument putforth by the learned counsel for the respondents is that if the order of



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injunction granted in I.A.No.1/2023 in O.S.No.581/2022 is vacated, it would lead to multiplicity of litigations and contradictory directions.

22. It is true that the probate in O.P.No.742/2023 is pending before this Court and as per Section 213 of the Indian Succession Act, no right as executor or legatee can be established in any court of justice, unless a court of competent jurisdiction in India has granted probate of the Will under which the right is claimed. In the instant case, the appellants have already sold some of the properties to as many as 43 buyers which are already registered by the 64th defendant, the Sub Registrar Office, Red Hills. Even assuming that the respondents in the present appeal have right over the properties through the Will dated 10.04.1980 the injunction granted in I.A.No.1/2023 in O.S.No.581/2022 serves no major purpose as already 43 buyers have got their properties registered in their names.

23. It is pertinent to point out that the subject properties were owned by the family of Bakthavatchalu Naidu and the niece and nephew of the wife of Chakrapani do not fall in the same category and enjoy the same status as the other legal heirs do. It is not as though Bakthavatchalu Naidu



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or his descendants were without children. It was only Chakrapani Naidu who had no children.

24. Having discussed all the aspects both in favour and against the parties the crux of the issue in this matter is whether the trial court was right in granting injunction thereby restraining the 64th defendant in I.A.No.1/2023 in O.S.No.581/2022 from accepting any document for registration by the appellants pertaining to the suit properties.

25. As already elaborated the respondents / plaintiffs do not have a satisfactory explanation as to why C.S.No.563/1981 (later renumbered as O.S.No.3403/1997) was not pursued further by the respondents / plaintiffs. This is more so because of the averment made by the respondents / plaintiffs in the said suit that they have applied for the probate of the Will on 12.01.1981 itself. Similarly, the filing of a collusive suit in O.S.No.189/2020 by the plaintiffs in order to circumvent the law based on the unprobated Will dated 10.04.1980 also cast doubt on their intentions. The application of probate of the Will was made only in 2023 after finding that nothing was going their way.



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26. At the cost of repetition, the contents of the legal heirship certificate also disturbs the conscience of this Court when two Class -I legal heirs namely Kannammal and Mythili are alive after the demise of Chakrapani Naidu, the legal heirship certificate contained only one name that of Mythili and the same was used in collusive suit in O.S.No.189/2020 which was itself based on the unprobated Will. As already pointed out the respondents / plaintiffs are not direct descendants of Late. Bakthavatchalu Naidu and their claim is only based on the Will dated 10.04.1980 purportedly executed by their paternal aunt Mythili and was witnessed by their mother, wife of Gajapathy Naidu. In such peculiar circumstances, with a number of unanswered questions and suspicious manoeuvring, the odds are clearly against the respondents / plaintiffs. Moreover even if the Will dated 10.04.1980 is proved to be genuine by the Competent Court at a later date, the sale deeds which are executed subsequent to the filing of the suit would be hit by lispence. Therefore, the balance of convenience is not in favour of the respondents / plaintiffs and the order of the trial court in I.A.No.1/2023 in O.S.No.581/2022 is hereby set aside.



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and C.M.P.No.8938 of 2024

27. In the result,

- i. the Civil Miscellaneous Appeal is allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.
- ii. the order dated 29.02.2024 passed in I.A.No.1/2023 in O.S.No.581/2022 on the file of the IV Additional District Court, Thiruvallur at Ponneri, is hereby set aside.

**26.09.2024**

Index : Yes/No  
Speaking / Non-speaking order  
mtl

To

1.The Revenue Divisional Officer,  
Ponneri Taluk, Tiruvallur District.

2. The Tahsildar,  
Ponneri Taluk, Tiruvallur District.

25/27



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and C.M.P.No.8938 of 2024

3. The Sub Registrar,  
Red Hills Sub Registrar Office,  
No.2, Sothupakkam Road,  
Next to Sivan Koil, Palavoyal,  
Red Hills, Chennai - 600 052.

4. The Section Officer, VR Section, Madras High Court, Chennai.

**R. HEMALATHA, J.**

mtl



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and C.M.P.No.8938 of 2024

Pre-delivery judgment in  
C.M.A.No.957 of 2024  
and C.M.P.No.8938 of 2024

26.09.2024