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**Application Nos. 2710, 2711 and 2712 of 2024
and Application No. 5992 of 2023
and O.P. No. 540 of 2022**

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C.V.KARTHIKEYAN, J.

Application Nos. 2710, 2711 and 2712 of 2024 have been filed by the petitioner in the Original Petition seeking to condone the delay of 230 days in filing the application to set aside abatement, to set aside the abatement and to permit her to implead respondents 6, 7, 8, and 9 as legal representatives of the deceased G.Alamelu.

2. The Original Petition had been filed under section 232 and 276 of the Indian Succession Act, 1925, seeking Letters of Administration with Will annexed said to have been executed by T.Kanagasabapathy.

3. Notice had been directed in the said applications. Private notice had been taken and the affidavit of service had been filed indicating service of notice.



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4. As a matter of fact, one of the proposed respondent Balasubramanian along with yet another individual, Vijaya @ Vijayalakshimi have filed application No. 5992 of 2023 seeking to implead themselves as respondents in the application. It only adds credence to the fact that the proposed respondent and also Balasubramanian and also Vijaya @ Vijayalakshimi are actually legal heirs of Alamelu. It is tried to point out any application seeking Letters of Administration with Will annexed will necessarily have to show as parties all persons who might have caveatable interest in the said issue.

5. Heard the learned counsel for the third, fourth and fifth respondents, who had raised no objection.

6. In view of the same, the delay in filing the application to set aside the abatement is condoned. The order of abatement is set aside. The proposed respondents are impleaded as respondents 6, 7, 8, and 9, viz., G.Balasubramanian, G.Deenadayalan, G.Shanmugam and G.Kumar.

7. Registry may retain G.Alamelu though deceased as Respondent in the petition, but show that she has deceased.



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8. In view of the fact that the application No. 5992 of 2023 has been allowed, the petitioner thereof, the Vijaya @ Vijayalakshimi has to be impleaded as 10th respondent. All the applications stand allowed.

9. In view of the application seeking to implead has been allowed, the learned counsel for the petitioner may carry out necessary amendments in the short and long cause title in the Original Petition by indicating that the second respondent G.Alamelu had died and that her legal heirs are respondent Nos. 6, 7 8 and 9 and also implead the 10th respondent.

10. Issue fresh notice to the newly impleaded respondents through Court as well as privately returnable by 14.08.2024.

25.07.2024

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