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C.R.P.(NPD).No.3200 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD).No.3200 of 2017
and C.M.P.No.14952 of 2017

Anjappa.M

... Petitioner

VS

1.The Tahsildar (L.A),
T.N.H.B., Hosur.

2.Venkataramanappa.M

3.Govindappa.M

4.Krishnappa.M

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order and decreetal order of the Subordinate Judge, Hosur dated 22.03.2017, in allowing R.E.A.No.68 of 2015 in R.E.P.No.130 of 2007 in L.A.O.P.No.508 of 1996.

For Petitioner : Mr.Avinash Wadhwani
for M/s.V.Srimathi

For R1 : Mr.C.Kalaichelvan



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Standing Counsel (TNHB)

For R2 and R4 : Mrs.R.Poornima

For R3 : No Appearance

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below impleading the respondents 2 to 4 as party respondents in the main execution petition filed by the petitioner.

2. An award was passed in land acquisition original petition in favour of petitioner's mother-Muniyamma. Lateron, she filed an execution petition for recovery of compensation amount awarded in LAOP. The execution petition was closed as contesting respondents therein deposited the award amount.

3. Now, the present execution petition has been presented by the petitioner on the ground that the amount deposited by the contesting 1st respondent did not represent the correct amount payable. In the present



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execution petition, the petitioner also claimed interest portion, which was not deposited by the 1st respondent. The respondents 2 to 4 claiming themselves as other legal representatives of Muniyamma filed impleading petition and the same was allowed by the Court below. Aggrieved by the same, the petitioner is before this Court.

4. The petitioner claiming himself as son of deceased Muniyamma. The respondents 2 to 4 claiming themselves as other legal representatives of deceased Muniyamma. The petitioner herein was recorded as legal representative of Muniyamma based on a Will allegedly executed by Muniyamma. The respondents 2 to 4 were not made as a party in the earlier E.P. Now, in the present execution petition, the respondents 2 to 4 filed this impleading application claiming themselves as other legal representatives of Muniyamma.

5. When petitioner is claiming right as testamentary heir of Muniyamma, the validity of the Will has to be proved by the petitioner in the presence of other legal representatives of deceased Muniyamma. The



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respondents 2 to 4 are claiming themselves as other legal representatives of deceased Muniyamma. In such circumstances, the respondents 2 to 4 are necessary and proper party to the execution petition. The validity of the Will relied on by the petitioner has to be gone into in the presence of respondents 2 to 4. Therefore, I do not find any reason to interfere with the order passed by the Court below.

6. Accordingly, the Civil Revision Petition is dismissed. Having regard to the fact the main execution petition is of the year 2007, the Court below is directed to dispose of the same as expeditiously as possible. No costs. Consequently, the connected civil miscellaneous petition is closed.

05.02.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

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- 1.The Subordinate Judge,
Hosur.
- 2.The Tahsildar (L.A),
T.N.H.B., Hosur.



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S.SOUNTHAR, J.

dm

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