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A.No.321 of 2024 In O.P.No.350 of 2023

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N.SATHISH KUMAR,J.

This application is filed seeking to implead applicant/ proposed third respondent in O.P.No.350 of 2023.

2.The original petition has been filed for grant of Letters of Administration to the petitioner in respect of a Will left by one Brij Bhushan. The petitioner is the daughter of Brij Bhushan. Similarly the second respondent is the son of the said Brij Bhushan. The applicant herein is also born to the said Brij Bhushan and he wants to implead himself in the original petition.

3.The only objection raised by the first respondent/ petitioner in the original petition, before this Court is that the applicant/ proposed party has already been given in adoption to one Usha Rani/ sister of Brij Bhushan. Hence, the applicant cannot be impleaded as third respondent in the original petition.

4.Heard the learned counsel appearing on either side and perused the averments in the affidavit filed in support of the



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application.

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5.Having regard to the fact that the applicant herein is also born to Brij Bhushan, this Court is of the view that his presence is required. Whether he was given in adoption or not is a matter of evidence and the same can be gone into only at the time of trial. At this stage, those things cannot be gone into. Since the proposed party is also born through the testator, he is entitled to be impleaded in the original petition.

6.Accordingly, this application is ordered and the applicant herein is impleaded as the third respondent in the original petition.

7.Registry is directed to permit the petitioner to carry out the necessary amendment and file amended petition copy.

8.For filing such amended petition copy, the matter stands adjourned to 05.02.2024.

19.01.2024

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