



WEB COPY

CMP NO. 1572 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2025

CORAM

THE HONOURABLE MR JUSTICE R. SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CMP NO. 1572 of 2025

in

A.S.No. 812 of 2020

G.Vijayakala

W/O Mr.K.Jayachandran, No. 1-A 7th Main Road, Dandeeswaram
Nagar, Velachery Chennai-42

Appellant(s)

Vs

J.Gnanavel(deceased), 1.G.Gnanasoundari
W/O Late J.Gnanavel, Othikkadu Village, Ekkadu Post,
Thiruvallur Tk And District and 7 Others

Respondent(s)

For Appellant(s):

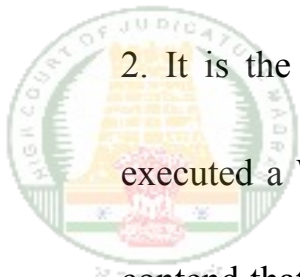
M/s.K.S.V.Prasad

For Respondent(s):

ORDER

(Order of the Court was made by the Hon'ble R.Subramanian J.)

This petition is for amendment of the plaint. The suit is one for partition. The 1st defendant in the suit, the father of the plaintiff died, pending appeal.



2. It is the claim of the other defendants 2 & 3 that the father, during his life, had executed a Will on 19.04.2019 and a settlement deed on 10.04.2019. The plaintiff wants to contend that the Will and the settlement are not valid as they relate to ancestral properties. It

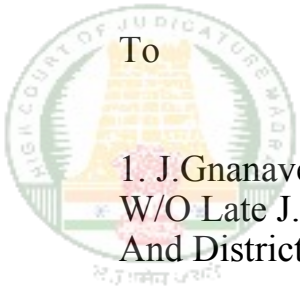
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is also claimed that the Will and settlement deed are forged. This cause of action had arisen only after the death of the father, pending appeal. If the defendant, who projects the Will and the settlement deed fails to prove those documents, the plaintiff would be entitled to larger share and if the documents are accepted, the plaintiff would be entitled to smaller share. The nature of the property covered under the document will have to be decided in the appeal.

3. Upon a decision in the appeal as to the nature of the property, it will be open to the parties to let in evidence in the final decree proceedings regarding the validity or otherwise of the documents and the share will be determined on the finding that is rendered by the Court during the final decree proceedings as to the validity of those documents. Hence, we see no necessity for the amendment, at this stage. This petition is therefore, dismissed.

(R.SUBRAMANIAN J.) (C.KUMARAPPAN J.)
27-01-2025

kkn



To

1. J.Gnanavel(deceased), 1.G.Gnanasoundari
W/O Late J.Gnanavel, Othikkadu Village, Ekkadu Post, Thiruvallur Tk
And District

2. G.Vijaya Kumar
S/o Late J.Gnanavel, Othikkadu Village, Ekkadu Post, Thiruvallur Tk And District

3. L.Tamilselvi
W/o Mr.V.Lakshmipathi, No.189 Venkateshwara Nagar, Drivers Colony, Anna Nagar,
Pattabhiram, Chennai-78

4. G.Prabavathy
W/o B.Nithyanandam, No. 4/17 Ma.Po.Si Street, Kakkalur Post, Tiruvallur Tk And
District

5. K.Jayachandran
S/o M.Krishnan, No.6, 6th Cross Street, Dhandesswaram, Velacheri, Chennai-42

6. PANNEERSELVAN
S/o Masilamani, No.6, 6th Cross Street, Dhandesswaram, Velacheri, Ch-42

7. PARIMALA
W/o Dilli Babu, No.18 Plot 44, 3rd Cross Street, Senthil Nagar, Kolathur, Chennai-99

8. AMSA
W/o Durai, No.24 Melanoor Village, Kilanoor Post, Tiruvallur Tk And District