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CMA No. 946 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 946 of 2025

B. Srinivasan
S/o.Late Basha Reddiar, Door No.52,
Middle Street, Kudumiyankuppam
Village, Panruti Taluk, Cuddalore
District

Appellant(s)

Vs

NONE

Respondent(s)

PRAYER

This Civil Miscellaneous Appeal has been filed under Section 299 of Indian Succession Act, 1925, prayed to set aside the order dt. 20.12.2024 passed in PR.O.P.No.171/2024, by the learned Principal District Judge, Cuddalore.

For Appellant(s): R.Baskar

For Respondent(s):



JUDGEMENT

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The appellant has filed this appeal to set aside the order dt. 20.12.2024 passed in PR.O.P.No.171/2024, by the learned Principal District Judge, Cuddalore.

2. Heard Mr. R.Baskar, learned counsel appearing for the appellant, and perused the material available on record.

3. Before the trial Court, the appellant has filed PR.OP.No.171 of 2024 (TN CD 01-009635-2024), seeking probate of the Will said to have been executed by his father on 16.09.2022. He stated that after the demise of his father, the testator, he approached the Court to initiate probate proceedings. He produced the Will, which was marked as Ex.P1, and examined one witness, P.W.2, who is alleged to be one of the attesting witnesses.

4. However, the trial Court, after considering the evidence on record, held that apart from the petitioner, the testator Basha Reddiar had three daughters,



who had not been added as parties to the proceedings. The Court held that they

are necessary parties to decide the issue of probate claimed by the appellant /

petitioner. Accordingly, the Original Petition was dismissed.

5. Challenging the said order, the appellant preferred this Civil Miscellaneous Appeal. At the time of arguments, the learned counsel for the appellant admitted that the testator had three daughters, but submitted that the Will was executed only in favour of his son. However, as rightly observed by the learned trial Judge, all three daughters are necessary parties.

6. Therefore, the matter is remanded back to the trial Court. The impugned order is confirmed, and the appellant / petitioner is directed to take appropriate steps to implead the daughters as parties. The trial Court is directed to proceed with the Original petition after the petitioner implead all the remaining legal heirs of Basha Reddiar, the testator, in accordance with law.



7. In view of the above, this Civil Miscellaneous Appeal is disposed of.

There shall be no order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Principal District Judge,
Cuddalore.

2. The Section Officer, VR Section,
High Court of Madras.



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T.V.THAMILSELVI. J,
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