



A NO. 3791 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05-08-2025**

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

A No.3791 of 2025

in TOS No.9 of 2020

R.Balasubramanian
S/o.Late S.M.Rajendran, New No.14, Old
No.18, Second Floor, Iv Main Road, Kamaraj
Nagar, Thiruvanmiyur, Chennai-600 041

Applicant(s)

Vs

A.Seethalakshmi (Deceased)
1.A.Anbumani
S/o.A.Arumainathan, New No.14, Old No.18,
Second Floor, Iv Main Road, Kamaraj Nagar,
Thiruvanmiyur, Chennai-600 041 and 5 Others

Respondent(s)

For Applicant(s):

Mr.K.Mohanamurali

For Respondent(s):

Mr.K.Chandrasekaran for R1 to R4

ORDER

This application has been filed to implead further defendants as defendants 7 – 9 to the Testamentary Original Suit.

2. The plaintiff had also filed applications in A.Nos.3788, 3789 and 3790 of 2025 consequent to the death of the first defendant to bring on record other three legal representatives as defendants 4, 5 and 6. Notice has been directed in the said applications. However, this application

C.V. KARTHIKEYAN,J.,



A NO. 3791 of 2025

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WEB STANDS on a different footing. These two proposed defendants were already shown as respondents in O.P.No.232 of 1989. They are the beneficiaries under the Will executed by A.Arumainathan, the proof of which is the subject matter of the Testamentary original Suit. Naturally they will not be contesting the case of the plaintiff and they will be affirming the Will. It is the burden of the plaintiff to prove the Will and the plaintiff cannot rest on evidence of any of the defendants to also align with them to prove the Will. By impleading these two defendants, the case of the plaintiff will not advance any further, rather it would be damaged if it is found that the plaintiff and these two proposed defendants are in collusion with each other with respect to the issue of proof of the Will. The provision is very clear that those who could be added as defendants are those who contest the claim of the plaintiff and against whom the relief is sought by the plaintiff. This application is superfluous and has no legs to stand. Hence, this application stands dismissed.

05-08-2025

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