



WEB COPY

A No. 5015 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

A No. 5015 of 2025

AND

TOS NO. 78 OF 2024

1. J.Catherine and 20 Others

Both residing at No.159/49, Solai 1st
Street, Ayanavaram, Chennai 600 023.

2. J.Sheela

Both residing at No.159/49, Solai 1st
Street, Ayanavaram, Chennai - 600 023.

3. A.Muralidharan

All are residing at No.2, Solai Street,
Ayanavaram, Chennai - 600 023.

4. A.Santharaj

Chennai

5. A.Rangarajan

Chennai

6. A.Balamurugan

Chennai

7. A.Majubashni

Chennai

8. A.Sundaravadanam



A No. 5015 of 2025



9. V.Ranjani

Chennai

10. J.Devaki Jayaraman

Chennai

11. A.Padmini

Chennai

12. C.Vijayalakshmi

Chennai

13. A.Vijayalakshmi

Chennai

14. S.Asokan

All are residing at No.19/9, Sabapathy
Street, Ayanavaram, Chennai - 600 023.

15. Ms.S.Vimalavani

Chennai

16. B.Jagadeeswaran

All are residing at No.4, Solai Street,
Ayanavaram, Chennai - 600 023.

17. B.Vikendira Selvan

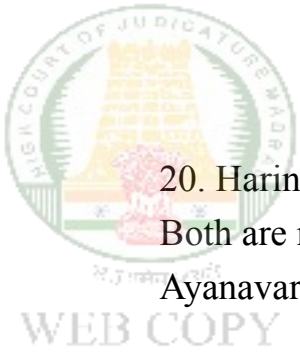
Chennai

18. B.Sarala

Chennai

19. Mohana

Chennai



20. Harinee Rukmangathan

Both are residing at No.1, Solai Street,
Ayanavaram, Chennai - 600 023.

21. Saran Rukmangathan

Both are residing at No.1, Solai Street,
Ayanavaram, Chennai - 600 023.

Applicant(s)

Vs

1. K. Shanmugasundaram And 3 Others
S/o.Late A.P.Kannabiran, S/o.Late
Kannabiran, Residing at 28, Sabapathy
Street, Ayanavaram, Chennai - 600 023.

2.Sarulatha
D/o.K.Shanmugasundaram, S/o.Late
Kannabiran, Residing at 28, Sabapathy
Street, Ayanavaram, Chennai - 600 023.

3.M/s.Prakash Castle Pvt Ltd
Rep.by its Managing Director
T.D.Dhathathri, No.35 F3, Selvam
Nagar 2nd Street, Ponniammamedu,
Thiruvallur District 600110.

4.The Sub Registrar
Office of the Sub Registrar, Anna
Nagar, Chennai 600 040.

Respondent(s)



A No. 5015 of 2025

PRAYER

To pass an order to implead the respondents 2 to 4 as Defendants 22 to 24 in the above T.O.S.No.78 of 2024.

A No. 5015 of 2025

For Applicant(s): M/s. M.S. Mani

For Respondent(s): Mr.T.Kannan for R1

ORDER

This application has been filed by the applicants/defendants 1 to 21 seeking to implead respondents 2 to 4 as defendants 22 to 24 in the present testamentary original suit.

2. The learned counsel for the applicants submitted that the impleadment of respondents 2 to 4 is necessary to effectively and completely adjudicate the issues involved in the proceedings. It is further contended that, in the event the applicants file any counter-claim, the presence of respondents 2 to 4 would be essential, as they are said to have an interest in the subject matter of the case.

3. On the other hand, the learned counsel for the respondent/plaintiff opposed the application, contending that the present suit is a testamentary original suit filed by the plaintiff, and the applicants, who are defendants 1 to



21, are already parties to the proceedings. The suit, being a testamentary one, concerns the grant of probate or letters of administration and not the determination of title or ownership over the property. Therefore, the impleadment of respondents 2 to 4 as additional defendants does not arise, as they are neither necessary nor proper parties to the proceedings.

4. On a perusal of the records and the affidavit filed in support of the application, it is evident that the applicants have not established any substantial reason or legal necessity for the inclusion of respondents 2 to 4 as additional defendants. The applicants have merely stated that, in the event a counter-claim is filed, those parties may be necessary. Such a conditional or speculative reason cannot be accepted as a valid ground for impleadment.

5. It is a settled position of law that in testamentary proceedings, the scope of enquiry is confined to the genuineness, due execution, and validity of the Will, and not to questions of title or ownership over the property bequeathed under the Will. The parties interested in the estate of the deceased or having a caveatable interest are the only necessary parties. Hence, any attempt to implead third parties on the basis of a possible counter-claim or title dispute is beyond



the purview of a testamentary original suit.

WEB COPY

6. Accordingly, this Court finds that the application has been filed without proper basis and is not maintainable in law. The reasons assigned in the affidavit are vague and unsatisfactory. The applicants, already being defendants in the suit, cannot seek to expand the scope of the proceedings by bringing in parties who are not directly connected with the testamentary issue.

7. In view of the above observations, this Court is of the considered opinion that the application is devoid of merit and liable to be dismissed.

In the result, this application stands dismissed.

16-10-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

A No. 5015 of 2025



R.N.MANJULA J.

jrs

**A No. 5015 of 2025
AND TOS NO. 78 OF
2024**

16-10-2025