



C.R.P.(MD)Nos.3697 and 3698 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)Nos.3697 and 3698 of 2025

and

C.M.P.(MD)No.19520 of 2025

X.John Kennedy

... Petitioner in both cases

-VS.-

1.C.M.Lazarus

2.Indira

...Respondents in both cases

PRAYER in C.R.P(MD)No.3697 of 2025: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order, dated 02.08.2025 in I.A.No.1 of 2024 in Probate O.P.No.190 of 2023 on the file of the I Additional District Court, Madurai.

PRAYER in C.R.P(MD)No.3698 of 2025: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order, dated 22.08.2025 in I.A.No.2 of 2024 in I.A.No.1 of 2024 in Probate O.P.No.190 of 2023 on the file of the I Additional District Court, Madurai.



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For Petitioner :Mr.S.Sonaimuthu
for Mr.S.Ramesh
(in both cases)

COMMON ORDER

The present Civil Revision Petitions have been filed challenging the orders passed by the learned I Additional District Judge, Madurai. in I.A.No.1 of 2024 in Probate O.P.No.190 of 2023 and I.A.No.2 of 2024 in I.A.No.1 of 2024 in Probate O.P.No.190 of 2023, dated 22.08.2025.

2.Heard Mr.S.Sonaimuthu, learned Counsel representing Mr.S.Ramesh, learned Counsel for the Revision Petitioner.

3.The first respondent herein is the petitioner and the second respondent is the respondent in Prob.O.P.No.190 of 2023 on the file of the I Additional District Court, Madurai, seeking to probate an unregistered will executed by one R.Arun, son of the second respondent. The petitioner herein is the third party to the proceedings. During the pendency of the proceedings, the petitioner herein has filed an application in I.A.No.1 of 2024 in Prob.O.P.No.



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190 of 2023 seeking to implead him as party to Prob.O.P.No.190 of 2023. He has also filed another application in I.A.No.2 of 2025 in I.A.No.1 of 2024 in Prob.O.P.No.190 of 2023 seeking to grant leave to the petitioner to contest the probate petition on the ground that he has entered into two sale agreements with the second respondent herein, who is the mother of deceased R.Arun, on 05.10.2023 and 17.10.2023, in respect of the properties situated at Uthangudi Village and Narasingampatti Village, respectively. The Court below has rejected both the applications vide orders, dated 02.08.2025, on the ground that only a person claiming under the testator can dispute the probate proceedings. Challenging the same, the present Civil Revision Petitions have been filed.

4.The learned Counsel for the petitioner submitted that one R.Arun was the original owner of the suit property and the second respondent is his mother. R.Arun died issueless and after his demise, the second respondent herein, who is the Class-I legal heir, became the absolute owner of the suit property. Thereafter, the petitioner has entered into two sale agreements with the second respondent for the properties situated in Uthangudi Village and Narasingampatti Village, dated 05.10.2023 and 17.10.2023, respectively.



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While things being so, by relying on an unregistered Will, the Probate Petition has been filed by the first respondent herein without even issuing any notice to the petitioner, who is the agreement holder. The Court below without even considering the above facts, has mechanically dismissed the applications filed by the petitioner. He also submitted that the trial Court ought to have found that the power deed relied upon by the petitioner is a registered document. He further submitted that the Court has discretion to implead the *pendente lite* purchaser judicially and in furtherance of justice. Without even considering the same, the trial Court has erred in passing the impugned orders, which need interference of this Court.

5.This Court considered the submissions made by the learned Counsel for the Revision Petitioner and perused the materials available on record.

6.From the perusal of the records, it is seen that the petitioner is the third party to the probate petition and he has filed the above two interlocutory applications to implead him as party to the Probate Petition. It is settled law that only a person claiming title under the testator can dispute the probate



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proceedings and if any individual claims title, the only remedy available to him/her is to file a civil suit. By considering the above aspects, the Court below has rightly dismissed the applications filed by the petitioner, which needs no interference.

7.In the result, the Civil Revision Petitions stand dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

09.12.2025

Internet :Yes/No
NCC :Yes/No
Index :Yes/No

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To

I Additional District Judge, Madurai.



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N.SENTHILKUMAR, J.

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