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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2026

CORAM :

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

OSA.Nos. 28, 29 & 30 of 2024
And
C.M.P.No. 4465 of 2024

O.S.A.Nos. 28, 29 & 30 of 2024

Ramanan K. @ Subbarayalu
S/o. Late Krishnan

... Appellant

Vs

1. Mrs.Nirmala
W/o. K.Muthuraman
2. Mrs.Parimala
W/o. O.V.Rajendran
3. Mrs.Shyamala
W/o. G.Kalyanaraman
4. Mrs.Latha
W/o. S.Kalidoss

Mrs.Chandrabai (Deceased)
W/o. Kothandaraman

Mrs.Anusuyabai (Deceased)
W/o. Radhakrishnan



5. Mrs.Sumathi Bai
W/o. Late Venkatabalan
 6. K.Muthuraman @ K.Sekar
S/o. Late M.Kothandaraman and Mrs.K.Chandrabai
 7. K.Raja
S/o. Late M.Kothandaraman and Mrs.K.Chandrabai
 8. K.Manoharan
 9. Usha Padmanaban
D/o. Radhakrishnan
 10. Malathi Vijayarangan
D/o. Radhakrishnan
 11. RA.Sundarababu
S/o. Radhakrishnan
- ...Respondents/Respondents

PRAYER IN O.S.A.No. 28 of 2024: Appeal filed under Order XXXVI Rule 1 of O.S. Rules read with Clause 15 of Letters Patent against the order dated 12.04.2022 passed by Hon'ble Mr.Justice P.Velmurugan, in A.No. 778 of 2022 in O.P.No. 677 of 2011 on the file of the Original Side of this Hon'ble court.

PRAYER IN O.S.A.No. 29 of 2024: Appeal filed under Order XXXVI Rule 1 of O.S. Rules read with Clause 15 of Letters Patent against the order dated 12.04.2022 passed by Hon'ble Mr.Justice P.Velmurugan, in A.No. 776 of 2022 in O.P.No. 677 of 2011 on the file of the Original Side of this Hon'ble Court.



PRAYER IN O.S.A.No. 30 of 2024: Appeal filed under Order XXXVI Rule 1 of O.S. Rules read with Clause 15 of Letters Patent against the order dated 12.04.2022 passed by Hon'ble Mr.Justice P.Velmurugan, in A.No. 777 of 2022 in O.P.No. 677 of 2011 on the file of the Original Side of this Hon'ble Court.

For Appellant in
all Appeals : Mr.T.Sathyamoorthy

COMMON JUDGMENT

(Order of the Court was made by **C.V.KARTHIKEYAN, J.**)

These three appeals have been filed questioning the common order dated 12.04.2022 in Application Nos. 776, 777 and 778 of 2022 in O.P.No. 677 of 2011.

2. O.P.No. 677 of 2011 had been filed seeking Letters of administration relating to the Will of K.T.Kothandapani Naidu, with respect to a registered Will dated 15.12.1972 registered as Document



No.2 of 1973 on 06.01.1973 on the file of Sub Registrar, Nagoor –
611 002.

3. In the Original Petition, the appellant herein had also impleaded as 6th respondent Mrs. Anusuyabai and had stated that as a maternal aunt, she has a caveatable interest and is a necessary party to be impleaded before the issues in the Original Petition are decided. The said Anusuyabai died on 01.10.2014 and three applications were filed (i) to condone the delay of 1900 days in filing the application, (ii) to set aside abatement and (iii) to bring on record her legal representatives as further respondents in the Original Petition.

4. These three applications came up before the learned Single Judge of this Court, who by common order dated 12.04.2022 had dismissed the said applications. Among the reasons given, the learned Single Judge had stated that the Court was not satisfied with the reasons stated for the delay in filing these applications. However, in a Testamentary and Original Petition, it would only be appropriate that all those who are interested as next of kith and kin and those, who have a caveatable interest are



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impleaded as respondents, since any Letters of Administration granted with respect to a Will has an effect in rem and therefore, opportunity will have to be given to anybody, who has direct or indirect interest in the estate of the deceased to participate in the judicial proceedings relating to the proof of the attestation.

5. Taking that particular view into consideration, though notice had not been served on the respondents in entirety and directing that notice to be served on them before the learned Single Judge, we would allow these three Appeals.

6. In effect, the order passed dismissing the the application Nos. 776, 777 and 778 of 2022 are set aside and the said applications are allowed.

7. The learned counsel for the appellant may carry out necessary amendment in the petition in O.P.No. 677 of 2011 indicating the death of the 6th respondent / Anusuyabai and bringing on record her legal representatives as further respondents. The matter



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may then listed before the learned Single Judge, who may direct the fresh notice to the legal representatives who had been impleaded by direction of this Court.

8. The Appeals stand allowed. Consequently, connected Miscellaneous Petition stands closed. No order as to costs.

[C.V.K., J.]

[K.B., J.]

02.02.2026

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.

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