



WEB COPY

A No. 4913 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

A No. 4913 of 2025

in

OP No.331 of 2025

Mrs.Mariazeena Johnson
W/o.Mr.Marie Johnson, D/o.Late Dr.Jeppiaar,
NO.11, Ganesh Nagar I Street, Sholinganallur,
Chennai 600 119.

..Applicant(s)

Vs

1. Mr.Jaikumar Christhu Rajan and 2 others
S/o.B.Babu Manoharan,
No.34, Ranganathan Avenue, East Coast Road,
Uthandi, Chennai - 600 119.
2. Mr.B.Babu Manoharan
S/o.Late A.P.Baulraj,
No.56-C, Old Mahabalipuram Road,
Shollinganallur, Chennai - 600 119.
3. Mrs.Jessie Priya
W/o.Sashi Sekar,
No.54, Old Mahabalipuram Road,
Shollinganallur, Chennai - 600 119.

..Respondent(s)

Application filed under Order XIV Rule 8 of the Original Side Rules r/w Order I Rule 10(2) of Civil Procedure Code, 1908, to pass an order impleading the Applicant as 3rd respondent in O.P.No.331 of 2025.

For Applicant(s):

For Respondent(s):

Mr. R. Natarajan

Mr. B. Vasudevan, (for R1)

for Mr. A. Durai Eswar

Mr. S. Rajasekar (for R2 & R3)



ORDER

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This application has been filed by the applicant seeking to implead herself as the third respondent in O.P.No.331 of 2025.

2. According to the applicant, she is third party to the proceedings and the main petition has been filed by the first respondent herein for grant of Letters of Administration under Sections 232 and 276 of the Indian Succession Act, 1925 r/w Order XXV Rule 5 of the Original Side Rules. The first respondent, being the petitioner in the main petition, is one of the grandsons of Late. Dr. Jeppiar. The said Dr. Jeppiar had four daughters, namely, M/s. Vijaya Rajeswai, M/s. Sheela, M/s. Regeena and Mrs. Mariazeena, and the applicant is one among the said daughters. The said Dr. Jeppiar died on 18.06.2016 leaving behind his wife and four daughters, including the applicant herein.

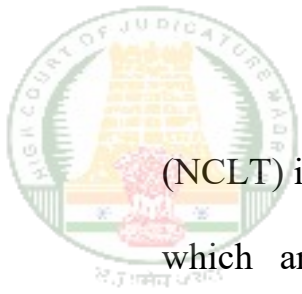
2.1 The proceedings of Probate/Letters of Administration assume the nature of proceedings in rem, wherein all stake holders are entitled to have audience and are legally entitled to submit their respective claims before this Court in the form of objections, setting forth their respective rights and claims over the properties. According to the applicant, the first respondent has deliberately suppressed material facts and particulars before this Court in O.P.No.331 of 2025.



2.2 It is further stated that the deceased sister of the applicant, namely, Sheela, was suffering from mental illness on account of drug abuse and excessive consumption of liquor and was not in sound state of mind. At that time, the alleged Will dated 20.07.2024 produced before this Court, is said to be vitiated by grave illegalities, whereby the first respondent misused and abused their position of relationship with the deceased Sheela for the purpose of grabbing the properties belonging to the other daughters of Late. Dr. Jeppiar. It is further submitted that a suit in O.S.No.23 of 2024 is pending on the file of the District Munsiff Court, Iranial.

2.3 The applicant would further contend that the first respondent has suppressed the case in C.S.No.256 of 2018, which has already been filed before this Court by one of the daughters of Late. Dr. Jeppiar, namely, M/s. Regeena Jeppiar. In the said suit, the deceased Sheela was not a signatory to the Memorandum of Understanding (MoU) dated 25.06.2018 and had not contested the compromise memo. Therefore, according to the applicant, the claims made by the first respondent are not correct. Apart from that, the suits in O.S.Nos.144 and 145 of 2022 are still sub judice on the file of this Court.

2.4 It is also stated that the above material facts were suppressed. The deceased Sheela had moved a case before the National Company Law Tribunal



(NCLT) in connection with Jeppiar Fishing Harbour Muttom Private Limited, in which an interlocutory application was filed in I.A.No.30/CHE/2022 in C.P./131/(CHE)/2021, and the appeal was allowed subject to payment of costs by order dated 19.04.2023. The said order was also challenged before the Hon'ble Supreme Court of India, in SLP.(C).No.4898-4899/2021, wherein, the Hon'ble Mr. Justice Sanjay Kishan Kaul was appointed as Mediator. The first respondent is also a party to the said SLPs.

2.5 While so, by suppressing all these facts, the first respondent herein had filed the main original petition in O.P.No.331 of 2025 without impleading the applicant, who, according to her, is a proper and necessary party to the proceedings. Hence, the present application.

3. The first respondent filed a counter by denying the allegations made in the affidavit filed in support of the application. It is stated that the first respondent is one of the legal heirs of the deceased Sheela Jeppiar, and being one of the legal heirs of the deceased Sheela Jeppiar as well as a beneficiary under the Will dated 20.07.2024, he has filed the main petition seeking grant of Letters of Administration.

3.1 It is further contended that the applicant has no caveatable interest in the above said proceedings and that she is not a necessary party to the same.



According to the first respondent, the applicant is a stranger to the proceedings and is not a legal heir of the deceased Sheela Jeppiar. It is submitted that

Probate proceedings are confined only to adjudicate the genuineness and due execution of the Will and do not adjudicate title or rights in respect of the subject properties. Therefore, arraying the applicant as a party to the main petition would defeat and delay the Probate proceedings.

3.2 It is further stated that the properties mentioned in the Will are self-acquired properties of his mother, Sheela Jeppiar. Hence, the applicant has no *locus standi* to question the Will. It is also denied that any material facts have been suppressed in the main petition. Therefore, according to the first respondent, the application is liable to be dismissed.

4. The second respondent has also filed a counter by denying the averments made in the application. It is contended that the applicant is neither a legal heir of the Testatrix nor a beneficiary under the Will, nor does she possess even the slightest caveatable interest.

4.1 It is further stated that the Testatrix was a Christian and that even in the absence of a Will, in the event of a woman dying intestate leaving behind a widower, 1/3rd of the property would devolve upon the widower and the remaining 2/3rds would devolve upon her lineal descendants, namely, the first



and third respondents herein. Thus, even if Probate or Letters of Administration were to be refused, only the widower and lineal descendants, who are all alive, would inherit the estate. At no point would the applicant, being merely the sister of the Testatrix, have any right of inheritance during the lifetime of the husband and children of the Testatrix.

4.2 It is further contended that Probate proceedings are in rem and bind the public at large. The jurisdiction in Probate proceedings is confined exclusively to determine the authenticity and validity of the Will and not to adjudicate disputes relating to title or ownership of the properties referred to in the Will.

4.3 It is also stated that the second respondent had a strained relationship with the first respondent and has been living separately, and that several litigations are pending between them. According to the second respondent, with *malafide* intention, the applicant has filed the present application and does not have any legitimate interest in this proceedings. It is alleged that she is merely attempting to exploit the discord between the first and second respondents for her personal benefit. Therefore, it is contended that the applicant is neither a proper nor a necessary party for deciding the Will, and hence, the application is liable to be dismissed.



5. This Court heard the learned counsel appearing on either sides and perused the records.

6. The main petition has been filed seeking grant of Letters of Administration based on the Will dated 20.07.2024 executed by the deceased Sheela Jeppiar. It is stated that litigations are already pending in respect of the subject properties of Late. Dr. Jeppiar. The applicant is one of the daughters of the said Dr. Jeppiar. Therefore, according to the applicant, she has a caveatable interest in respect of the Will mentioned properties and has filed this application.

7. It is an admitted fact that the applicant is neither a legal heir of the deceased Sheela Jeppiar nor a beneficiary under the Will. All the legal heirs of the deceased Sheela Jeppiar have already been impleaded as parties in the petition. Merely because certain litigations are pending in respect of the subject properties of Late. Dr. Jeppiar, the applicant cannot claim a caveatable interest in the present Probate proceedings. The applicant is not required to be impleaded, as she does not have any caveatable interest over the subject properties of the deceased Sheela Jeppiar.

8. As rightly pointed out by the learned counsel for the respondents, this Court, in Probate proceedings, cannot determine the title or ownership of



the properties referred to in the Will and is confined only to determine authenticity and validity of the Will. The present applicant is not a necessary party for deciding the petition filed by the first respondent seeking grant of Letters of Administration in respect of the Will executed by the deceased Sheela Jeppiar. Therefore, this application has no merits and deserves to be dismissed.

9. Accordingly, this application is dismissed.

27-02-2026
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P.DHANABAL, J.

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