



WEB COPY

A No. 268 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

CORAM

THE HON'BLE DR.JUSTICE R.N.MANJULA

**A No. 268 of 2026
in T.O.S. No.23 of 2019**

1. Shopana Viswanathan,
W/o.Illankovan,
No.H-52, 2nd Floor, 4th Street,
Anna Nagar, Chennai-600 102.
2. V.Rathnakumari
W/o.S.Pandian

..Applicants

Vs

1. Ms.G.Prema,
No.H-52, 2nd Floor, 4th Street,
Anna Nagar, Chennai-600 102.
2. A.B.Iniya Niranjan,
S/o.V.Balaamurugan,
Royal Enclave,
Anna Nagar East,
Chennai 600 040.

..Respondent(s)

PRAYER – This Application is filed under Order XIV Rule 8 of O.S. Rules read with Order I Rule 10 of C.P.C., to implead the Applicants No.1 and 2 as the 2nd and 3rd Plaintiffs in the above T.O.S.

For Applicant(s): Ms.Rukmani,
M/S.P.B. Ramanujam Associates

For Respondent(s): Mr.V.Manohar



ORDER

This application has been filed by the applicants 1 and 2 to implead them as the legal heirs of the deceased 1st plaintiff in the above T.O.S.

2.The learned counsel for the applicants submitted that originally these applicants were parties to the Original Petition filed by the deceased plaintiff and they have filed their consent affidavit.

3.The applicants have filed this application under certain extraneous circumstances where, the plaintiff was bedridden and she was not able to sign any papers and conduct the proceedings in T.O.S. Subsequently, the plaintiff also died. The applicants, both in their capacity as persons interested and the legal heirs of the deceased plaintiff, ought to be impleaded as parties in order to continue the proceedings.

4.The defendant raised objection stating that the applicants who have been cited as respondents in Original Petition and who have not filed any caveat and who have filed this application even during the life time of the deceased plaintiff cannot be considered to be impleaded as legal heirs of the deceased plaintiff.



5. In normal circumstances, the above submission of the defendant would be correct and the persons who had chosen to file consent affidavit shall not be allowed to be impleaded as defendant later as they do not have any conflict of proceedings in the Letters of Administration proceedings initiated by the plaintiff. But here is a situation where the plaintiff became incapable and later died. In both the circumstances, no one is available to represent the case and to conduct the proceedings. Since the applicants have not filed any caveat and in fact they filed their consent affidavit, it is appropriate to have them as plaintiffs instead of impleading them as defendants. Though the application has been taken up by these applicants when the plaintiff was alive, the reasons stated in the affidavit is acceptable in view of the deteriorated health condition of the plaintiff.

6. Since the petitioner has come out with these applications just to ensure that some one who is interested in the Will has to represent the case and not by taking any other contradictory stand from what they had initially took, I feel there cannot be any defect in impleading these applicants as plaintiffs 2 and 3. Hence, the application is allowed.

Index: Yes/No
Speaking/Non-speaking order
GSA

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DR.R.N.MANJULA, J.

GSA

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