

WEB COPY



A.No.66 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 66 of 2026

in

T.O.S. No. 44 of 2008

B. Vikram

S/o.B.Brahmaiah, No.41, First Floor, Modern Flats,
Janakiram Colony, 2nd Main Road, Villivakkam,
Chennai 600 049.

..Applicant(s)

Vs

1. M. Sai Prasad
Son of Late A.K.MEGAVARNAm (DECD),
NO.29, DHAYALU NAGAR, KOLATHUR,
CHENNAI - 600 099.
V.Kumari (Deceased)
2. S.Vimala alias Bagyalakshmi
No.176 B, Kamarajar Nagar, Press Quarters,
Tondaiarpur, Chennai - 600 019
3. R.Pushpa alias Bababai Wife of Rajendra Babu
No.32, Achamma Kandigai Iii Street,
Arakonam, Vellore District.
4. A.Sathyabama Wife of Kuppuraj
No.25, Police Lane, Thiruvannamalai District.
5. S.Latha
W/o.Late Sathyanarayanan,
6. S.Mohanapriya
D/o.Late Sathyanarayanan,



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7. S.Hemaa

D/o.Late Sathyanarayanan,
R5 to R7 All are residing at
No.22/25, Dhayalu Nagar First Street,
Kolathur, Chennai - 99.

8. K.Jothi

W/o.Karunanidhi,
No.35, Vetrivel Nagar,
Nasarapettai, Little Kanchipuram - 631 503.

9. S.Lakshmi

W/o.Senthilkumar,
D/o.V.Kumari,
No.37/43, V.P.Koil Street,
Palanipet, Arakkonam - 631 002.

10.V.Govindarajalu

S/o.Late Venkatesan,
No.100, Geetha Nagar, Vadambakkam Nagar,
Arakkonam - 631 003.

11.Padmavathi

W/o.Raja,
No.14, B.K.Nagar,
Mosur Road, Arakkonam - 631 002.

..Respondent(s)

To implead the Applicant as 12th Defendant in T.O.S.N.44 of 2008.

For Applicant(s): M/S.K. Indur Priya
Mohana M

For Respondent(s): Mr.P.Suresh



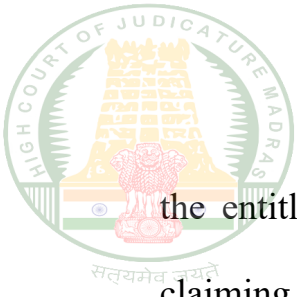
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ORDER

This application has been filed to implead the applicant as 12th defendant in T.O.S.No.44 of 2008 on the basis of an alleged sale agreement dated 17.06.2005 said to have been entered into between the applicant and the sons of the deceased/testator in respect of the suit property. The applicant would contend that he paid substantial advance amounts and therefore has an enforceable and caveatable interest in the property.

2. The contesting respondents oppose the application contending that the applicant is a third party to the testamentary proceedings; that a probate proceeding is confined to the proof and genuineness of the Will; and that any claim founded on an agreement of sale can only be worked out in appropriate independent proceedings and not in the testamentary suit. In support of his submission , he relied on **NAK Engineering Company Pvt.Ltd. v Tarun Keshrichnad Shah and Ors [2026 INSC 8]** and **V.Mohanan vs Estate of E.Narayanan [2008 (4)CTC 110]**

3. This Court finds merit in the said objection. In a testamentary original suit, the question for consideration is the due execution and genuineness of the Will and



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the entitlement of the propounder to probate/letters of administration. A person claiming under an alleged agreement of sale entered into with some of the legal heirs does not, by that circumstance alone, become a necessary or proper party to the testamentary adjudication. The applicant's claim, even if assumed for the present, is a distinct civil claim against the persons with whom he claims to have contracted, and the same cannot enlarge the scope of the probate proceedings.

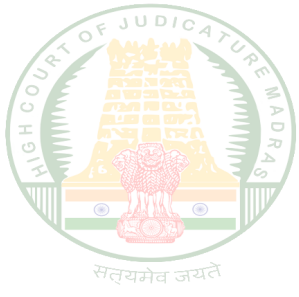
4. Therefore, this Court is of the view that the applicant has not made out a case for impleadment in T.O.S.No.44 of 2008.

5. Accordingly, A.No.66 of 2026 is dismissed. No costs. It is however open to the applicant to work out his remedies, if any, in the manner known to law before the appropriate forum. No costs.

21-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

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in
T.O.S. No. 44 of 2008**

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