



T.O.S.No.32 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **C.V.KARTHIKEYAN**

T.O.S.No.32 of 2018

S.Balachandran

.. Plaintiff

/versus/

1. K.Hariharan (Deceased)
2. K.K.Easwaran
3. K.Ramakrishnan
4. K.Sankaranarayanan
(D1 died and legal heirs of the
deceased brought on record as
R2 to R4 as per order
dated 20.06.2023 in
A.No.1867 of 2023)

.. Defendants

Prayer:- Testamentary Original Suit filed under Sections 222 & 276 of the Indian Succession Act XXXIX of 1925 to prove the Will in common form and that probate thereof, to have effect limited to the State of Tamil Nadu.

For Plaintiff : Mr.G.Muthukumar

For D2 : Mr.R.Sanjay

JUDGMENT

The learned counsel for the plaintiff appeared before this Court.



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2. After examining the pleadings and the evidence, there is a reasonable apprehension in the mind of the Court that the plaintiff and the defendants are in collusion to grab away the property mentioned in the Will by the testatrix. In the cross examination, the defendant had alleged that he is in possession of the property.

3. In view of the peculiar circumstance, to examine whether fraud is being committed, the Assistant Commissioner, HR and CE Department, Chennai is impleaded as further defendant in the suit.

4. Registry is directed to issue notices to Sri. Maha Thirupurasundari Niketanam, Reg No.5/100/69, 5, Samiar Thottam Street, Ashok Nagar, Chennai-600 083 and Sri. Srinivasa Niketanam, No.1, Pushpa Nagar Main Road, Nungambakkam, Chennai – 600 034, Reg No.122/1976, informing them that they have been named as beneficiaries in the Will and in their absence, Letters of Administration is sought to be obtained from this Court and informing them that it would be their advantage to be represented before this Court.



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5. The learned counsel for the plaintiff is directed to carry out necessary amendment to the cause title impleading the Assistant Commissioner, HR and CE Department, Chennai as a further defendant and issue summons to the newly impleaded defendant for the hearing date, 11.08.2025.

6. Post the matter on 11.08.2025.

28.07.2025

Neutral citation : Yes / No
Index : Yes / No
Speaking order : Yes / No
mn



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C.V.KARTHIKEYAN,J.

mn

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