

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.S.A.Nos.245 of 2011 and 247 of 2010

D.Gnanasundari .. Appellant in O.S.A.No.245/2011
J.Malarvizhi ... Appellant in O.S.A.No.247/2010

versus

1.D.Shandar
2.D.Ramu (deceased)
3.Malarvizhi
4.R.Vijayalakshmi
5.Sandhya
6.Priya

RR2 t 6 are included vide order of this Court dated 30.09.2015 made in MP.1/2015 RR5&6 declared as major vide order of this court dated 30.09.2015 made in MP.2/2015, in OSA.245

... Respondents in O.S.A.No.245 of 2011

1.D.Shankar
2.D. Ramu (deceased)
3.R.Vijayalakshmi
4.Sandhya(minor)
5.Priya
(4&5 minors rep. by this mother
& Guardian R. Vijayalakshmi
3rd respondent

... Respondents in O.S.A.No.247 of 2010

OSA.Nos.245 of 2011 and 247 of 2010: Appeal filed under Order 36 Rule 11 of Original Side Rules r/w Clause 15 of the Letters Patent, against the Judgment and Decree dated 18.01.2010 in A.Nos.2070 of 2008 and 6377 of 2007 in O.P.No.560 of 1996, on the file of this Court.

For Appellants ... Mr.S.J.Jagadev in O.S.A.No.245/2011
Mr.C.Rajan in O.S.A.No.247 of 2010
For Respondents ... Mr.S.Parthasarathy, Senior Counsel
for Mr.C.Ramesh for R.1 in both
cases
Mr.C.Rajan for R.3

J U D G M E N T

(Judgement of the Court was delivered by The Hon'ble Chief Justice)

Learned counsel for the parties states that they have obtained instructions in view of what was discussed on the last date of hearing and the following agreed order be passed:

'In view of the suit pending to establish that there was a subsequent Will which was burnt, no copy of which was available, the application for revocation filed by the respondent in the present petition be withdrawn, as there is no dispute about the Will in question, subject to caveat that the Letters of Administration would not be administered till such time the pending suit qua the subsequent Will is decided.'

Ordered accordingly. The appeals stand disposed of.

The suit being of the year 1999, the learned trial Judge to expedite the trial in the suit with an endeavour to conclude it preferably on or before 31st October, 2016.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ksr

To

The Sub Assistant Registrar (OS)
High Court, Madras.

+1cc to Mr.C. Ramesh, Advocate, S.R.No.11569
+1cc to Mr.S.J. Jagadev, Advocate, S.R.No.12062
+2ccs to Mr.C. Rajan, Advocate S.R.No.11506

JSV(CO)
EU(09/03/2016)

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