

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 3RD DAY OF MARCH 2017

THE HON'BLE MR.JUSTICE SATHISH KUMAR

A.No.1457 of 2017

in

A.No.1244 of 2017

in

TOS.No.78 of 2003

In the matter of Indian
Succession Act,XXXIX of
1925,

and

In the matter of the Last
Will & Testament dated
29-12-1999 of J.VIJAYA
SEKAR

Tmt.Jamuna Bai,
W/o.Late R.Jaganathan,
11, Rangiah Chetty Street,
Choolai, Chennai-600 112.

...petitioner

Vs

1.J.Padmavathy,
W/o.Late J.Vijaya Sekar.

2.Monica(Minor) Aged 1 ½ years,
Reptd by her mother and
Natural Guardian J.Padmavathi..

Both are residing at No.17,
Periyar Pathai, Kumanan Chavadi,
Mangadu, Chennai-600 086.

..Respondents

A.No.1457 & 1244 of 2017

1.J.Padmavathy,
W/o.Late J.Vijaya Sekar.

2.Monica(Minor) Aged 1 ½ years,
Reptd by her mother and
Natural Guardian J.Padmavathi..

Both are residing at No.17,
Periyar Pathai, Kumanan Chavadi,
Mangadu, Chennai-600 086.

..Applicants

Vs

Tmt.Jamuna Bai,
W/o.Late R.Jaganathan,
11, Rangiah Chetty Street,
Choolai,
Chennai-600 112.

..Respondent

A.No.1457 of 2017

Application praying that this Hon'ble Court be pleased to order restoration of application No.1244 of 2017 in TOS No.78 of 2013 which was dismissed for non Prosecution on 27.02.2017 be not passed.

This application coming on this day before this court for hearing the court made the following order:

This application has been filed to restore the application in A.No.1244 of 2017 which was filed to condone the delay of 61 days in filing written statement and dismissed for non prosecution by this Court on 27.02.2017.

2.Heard the learned counsel for the applicant. The learned counsel for the respondents has no serious objection to allow this application. Hence this application is allowed and the application in A.No.1244 of 2017 is restored.

3.Having regard to the nature of the allegations and the reasons given in the affidavit, in order to afford opportunity to both parties to contest the matter on merits, I am inclined to condone the delay of 61 days in filing the written statement. Hence, application in A.No.1244 of 2017 is also allowed.

4.Post the suit for framing issue on 16.03.2017

Sd/.N.S.K.J
03.03.2017

//Certified to be a true copy//

Dated this the day of 2017.

MD/07.03.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of
the Order/Judgment Decree in this format.