

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 19TH DAY OF APRIL 2017

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

A.NO.2122 OF 2017

IN

O.P.NO.D3054 OF 2017

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

AND

In the matter of Securities of
R.Venkataraman(Intestate Death)

Tmt.V.Rajalakshmi
W/o.Late.R.Venkataraman,
Block No.XI,Flat 1B,
Ceebros Park,
6, Radhakrishna Salai,
Valasaravakkam,
Chennai-600 087.

... Applicant/Petitioner

Vs.

1.Mr.Ravi Venkataraman,
S/o.Late.R.Venkataraman,
15,Second East Street,
Kamaraj Nagar,
Thiruvanmiyur,
Chennai-600 041.

2.Mr.V.Subramanian,
S/o.Late.R.Venkataraman,
15,Second East Street,
Kamaraj Nagar,
Thiruvanmiyur,
Chennai-600 041.

3.Mr.V.Natarajan,
S/o.Late.R.Venkataraman,
Block No.XI,Flat 1B,
Ceebros Park,
6,Radhakrishna Salai,
Valasaravakkam, Chennai-600 087.

4.Tmt.Radhika Shankar,
S/o.Late.R.Venkataraman,
Block No.XI,Flat 1B,
Ceebros Park,
6,Radhakrishna Salai,
Valasaravakkam, Chennai-600 087.

...Respondents/Defendant

Application praying that this Hon'ble Court be pleased to accept the Court duty already paid by way of Court Fee Stamp papers for Rs.10,800/- (Rupees Ten Thousand Eight Hundred Only) without insisting for fresh deposit of the said court duty in the Court in respect of the above Succession O.P.

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

This application has been filed seeking to accept the Court duty already paid by way of Court Fee stamp papers for Rs.10,800/- (Rupees Ten Thousand Eight Hundred Only) without insisting for fresh deposit of the said Court duty in the Court in respect of the above succession O.P.

2.Mr.K.R.Ramesh Kumar, learned counsel for the applicant would submit that as per Section 379 of Indian Succession Act, the applicant ought to have deposit Rs.10,800/- in Court. But due to inadvertence, he had paid Court fee for the said sum. Hence, unless this Court accepts this Court fee paid by way of Court fee Stamp

Papers, the petitioner would be put to irreparable loss. On the other hand, no prejudice would be caused to the respondents.

3. Heard the submission made by the learned counsel for the applicant and perused the records.

4. Being satisfied with the averments contained in the affidavit, this application is allowed.

sd/.M.K.K.S.J

19.04.2017

//Certified to be a true copy//
Dated this the day of 2017.

EM/21.04.2017

COURT OFFICER

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