

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2017

CORAM

THE HON'BLE MR. JUSTICE **N.SATHISH KUMAR**

**T.O.S.No.24 of 2015**

Mrs.H.Nazeem Akthar ...Plaintiff

Vs.

Mrs.Gowaharbegum @ Fazal Fathima ...Defendant

**Prayer:-** TOS numbered on conversion of O.P.No.335 of 2015 filed under petition for Letters of Administration without a Will Under Order XXV, Rule 5 of the Madras High Court Original Side Rules and U/Ss.218 and 278 of Indian Succession Act praying for Letters of Administration to the schedule property and credits of the deceased Asadullakhan.H to have effect limited to the State of Tamil Nadu may be granted to the petitioner.

For Plaintiff : Mr.Praveen Alexander

For Defendant : No appearance

**JUDGMENT**

TOS (OP) is filed for grant of Letters of Administration, without any Will annexed to the TOS. The plaintiff has share or right over the property.

N.Sathish Kumar, J.,

dpq

During the course of arguments, the learned counsel for the plaintiff made an endorsement to withdraw the suit, with liberty to file a partition suit for claiming his share. The said endorsement is recorded.

The learned counsel for the defendant during earlier hearings submitted that the plaintiff ought to have filed a suit for partition, instead of filing petition for grant of Letters of Administration.

Considering the above aspects, the TOS is dismissed as withdrawn, with liberty to the plaintiff to file fresh suit in accordance with law. No costs.

13.02.2017

Index: Yes/No  
Internet:Yes/No  
dpq

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