

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice N.ANAND VENKATESH

O.S.A.No.278 of 2018

C.Jaichander

... Appellant

Vs

1.E.Rajalakshmi
2.J.Girija
3.M.Jayalakshmi
4.K.Varalakshmi
5.J.Venkataramana
6.V.Baghya Lakshmi @ Chitra
7.A.Sekar
8.K.Azhaguraman

... Respondents

Appeal preferred under Order XXXIV Rule 1 of O.S. Rules r/w
Clause 15 of Letters Patent against the order dated 14.02.2017
made in A.No.7245 of 2014 in T.O.S.No.6 of 2012.

For Appellant .. Ms.Chitra Sampath,
Sr. Counsel
for Mr.T.S.Baskaran

For Respondents... Mr.K.V.Babu for R1

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This Original Side Appeal is directed against the order
dated 14.02.2017 made in A.No.7245 of 2014 in T.O.S.No.6 of 2012.

2.After making submissions on merits, learned senior counsel
appearing for the appellant would submit that the matter is
pending for quite some time and therefore, the finding rendered
by the learned single Judge in the application under challenge

and the earlier one in the other application will have to be clarified to the extent that they will not have any bearing on the final disposal of the pending Testamentary Original Suit. Inasmuch as these findings are rendered at the interlocutory stage, we are of the view that they will not stand in the way of the parties agitating all the issues including the question of limitation at the time of final disposal of the Testamentary Original Suit.

3. We have also been informed by the learned counsel for the first respondent that the chief examination of P.W.1 is over and the matter is at the cross-examination stage. In such view of the matter, we direct the Additional Master-I to complete the examination of all the parties within a period of three months from the date of receipt of a copy of this order. Thereafter, the matter shall be posted before the learned single Judge as per the roster. We request the learned single Judge to dispose of the Testamentary Original Suit by taking into consideration the fact that it is pending from 2012 onwards within a period of three months thereafter.

4. With the above direction, the original side appeal stands disposed of. No costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

mmi
To

The Sub Assistant Registrar,
Original Side, High Court, Madras.

+1 CC to Mr. T.S. Baskaran, advocate sr 53032.

SP(29/08/2018)

O.S.A.No.278 of 2018

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