



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Seventh day of June Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.SUNDAR

CMP(MD) No.8836 of 2017

IN

SA(MD) No.408 of 2011

E.ESAKKIAMMAL,

... PETITIONER/10th RESPONDENT

Vs

1 MARIA ROBIN

...1st RESPONDENT/APPELLANT

2 V.ESSAKI

3 V.NAINAR

4 A.ESAKKI

5 A.NAINAR

6 K.ESAKKI PALANI

7 K.NAINAR

8 N.GANAPATHY

9 ESAKKI KONAR (DIED)

10 E.ESAKKIDURAI

... RESPONDENTS 2 to 10/
RESPONDENTS 1 to 9

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to return the original will dated 27.3.2012 produced along with the petition in CMP(MD) No.2521/2017 by substituting the certified copy of the same and pass such other orders as this court deems fit and thus render justice.

Prayer in SA(MD). 408/ 2011 :

To prefer this Memorandum of Second Appeal against the Judgment and Decree in AS.No.105/2008 dated 16/07/2010 on the file of Sub Court, Valliyoor, partly reversing the Judgment and Decree made in OS.No.253/2004 dated 31/07/2008 on the file of Principal District Munsif Court, Valliyoor.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.SATHEESH KUMAR, Advocate for the petitioner and of MR.N.SYED ALI, for MR.S.KUMAR, Advocate for R1 and MR.M.ARUMUGAM, Advocate for R2 to R7, the court made the following



This petition has been taken out by the petitioner/tenth respondent in the main second appeal, i.e., E.Esakkiammal.

2.Sole appellant in the main second appeal, i.e., Mariya Robin has been arrayed as first respondent in this petition. Other respondents in the main second appeal are co-respondents herein.

3.Today, Mr.S.Satheesh Kumar, learned counsel, is before this Court on behalf of the petitioner/tenth respondent, Mr.N.Syed Ali, learned counsel representing counsel on record, is before this Court, on behalf of the first respondent/appellant and Mr.H.Arumugam, learned counsel is before this Court on behalf of respondents 2 to 7.

4.A Will dated 27.03.2012 executed by the petitioner's grandfather was produced in this Court. To be noted, the original Will was filed in this Court when impleading was sought for. That prayer was acceded to. Now that the impleading prayer has been acceded to, tenth respondent in the main second appeal has come up with the instant civil miscellaneous petition with the following prayer:

"For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble Court may be pleased to return the original Will dated 27-03-12 produced along with the petition in C.M.P.[MD]No.2521/2017 by substituting the certified copy of the same and pass such other orders as the court deems fit and thus render justice".

5.All the respondents before me, i.e., respondents 1 and 2 to 7 have no opposition or objection to this petition. This is noted.

6.I have perused the affidavit filed in support of this petition and I have also heard the learned counsel for the petitioner.

7.The prayer is innocuous and as mentioned supra, it is not being opposed or objected to by the respondents 1 to 7.

8.In the light of the narrative supra, the prayer in this petition is acceded to. In other words, C.M.P(MD)No.8836 of 2017 is ordered as prayed for.

sd/-
27/06/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SUBORDINATE JUDGE, VALLIYOOR,

2 THE PRINCIPAL DISTRICT MUNSIF, VALLIYOOR.

+1. C.C. to M/S.S.SATHEESH KUMAR Advocate SR.No.11580

ORDER

IN

CMP (MD) No.8836 of 2017

IN

SA (MD) No.408 of 2011

Date :27/06/2018

SMA/JC/GSR/02.07.2018:3P/4C