

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

T.O.S.No.20 of 2011

Ms.Madhu Mita Elan

Minor represented by her grand parent &
next friend and Testamentary Guardians

(1) Mr.B.M.Shetty, S/o. Late B.Mahabala Shetty,

(2) Mrs.Sharada M. Shetty, W/o.B.M.Shetty,

All are residing at H-111/4, First Floor,
18th Cross Street, Besant Nagar,
Chennai - 600 090.

... Plaintiff

Vs.

Elan Krishnaswamy

... Defendant

Prayer: This Testamentary Original Suit is filed under Sections 246, 232 and 276 of the Indian Succession Act, XXXIX of 1925 for grant of Letters of Administration with the Will annexed.

For Plaintiff : No Appearance

For Defendant : Mr.K.V.Sundararajan

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JUDGMENT

O.P.No.927 of 2010 was filed by a minor, represented by her grand parents against her father, seeking Letters of Administration with the Will

annexed with respect to the Will, said to have been executed by her mother, dated 27.09.2010. Since the respondent had raised objections, O.P.No.927 of 2010 was converted into T.O.S.No.20 of 2011 and he was the sole defendant in the T.O.S.

2. Today, the learned counsel for the defendant would submit that the plaintiff, who is the daughter of the defendant has attained majority and she is now residing with her father at U.S.A. It is further submitted that the plaintiff is not interested in pursuing the suit.

3. None appeared for the plaintiff on 17.09.2019 and even today, there is no representation for the plaintiff.

4. Considering the submission of the learned counsel for the defendant and taking note of the above facts, the Testamentary Original Suit is dismissed for non-prosecution. No costs.

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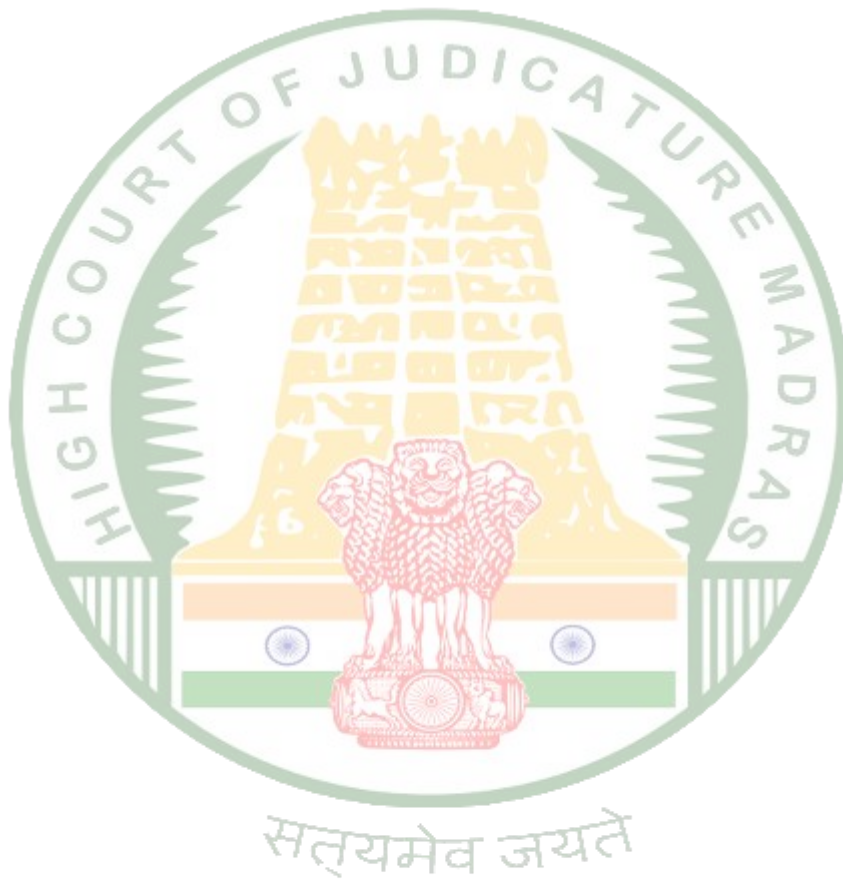
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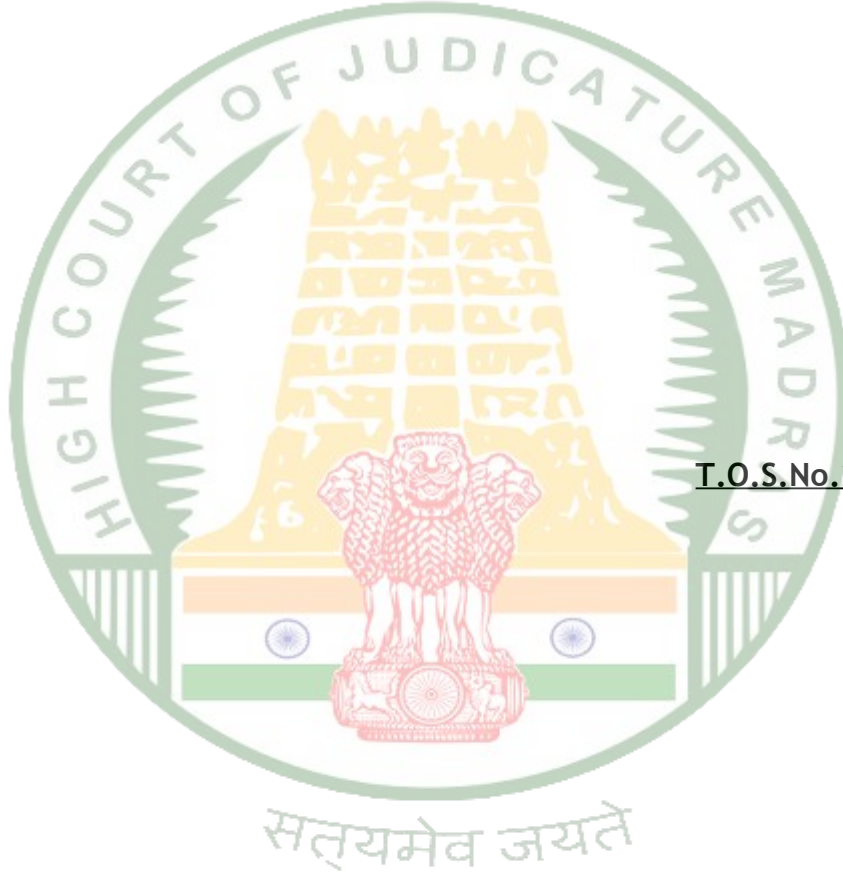
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