

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

T.O.S.No.59 of 2013

K.S.Sekhar

... Plaintiff

Vs.

1.Anusuya

2.Shanthakumari

3.Padmavathi

4.Kutty Krishnammal Charitable Trust  
Kodambakkam, Chennai - 600 024.

5.Udavum Karangal,  
Anna Nagar, Chennai - 600 040.

6.Sivananda Gurukula,  
G.S.T. Road, Kattankolathur,  
Kancheepuram District.

7.S.Kannan

8.Dwarakanath

9.Kamalammal

10.V.G.Kotteeswaran

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11.Hemendra Babu

12.Dr.Sathish Kumar

... Defendants

**Prayer:** Petition filed under Section 222 and 276 of Indian Succession Act for grant of Probate with the Will annexed under Order XXVI Rule 4 of Original Side Rules to prove the Will dated 19.03.1999 in common form and that Probate thereof to have effect limited to the State of Tamil Nadu. Against the petition a caveat was filed by the caveators, as per the order of this Court dated 12.10.2012 in O.P.No.389 of 2009, the Original Petition was converted into Testamentary Original Suit in T.O.S.No.59 of 2013.

For Plaintiff : Mr.S.Sadasharam

For defendants : Mr.S.J.Jagadev

**J U D G M E N T**

The petition was originally filed for grant of Probate which has been converted as suit in view of the caveat filed by the defendants 2 and 3 herein.

2. The learned counsel for the plaintiff seeks leave to withdraw the Testamentary Original Suit and he has made the following endorsement:

*“This TOS is not pressed. Hence may be dismissed as not pressed.”*

3. In view of the endorsement, this Testamentary Original Suit is dismissed as not pressed. No costs.

08.08.2019

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

**List of the witnesses examined on the side of the plaintiff:**

PW1 - Mr.K.S.Sekhar

**List of Exhibits marked on the side of the plaintiff:**

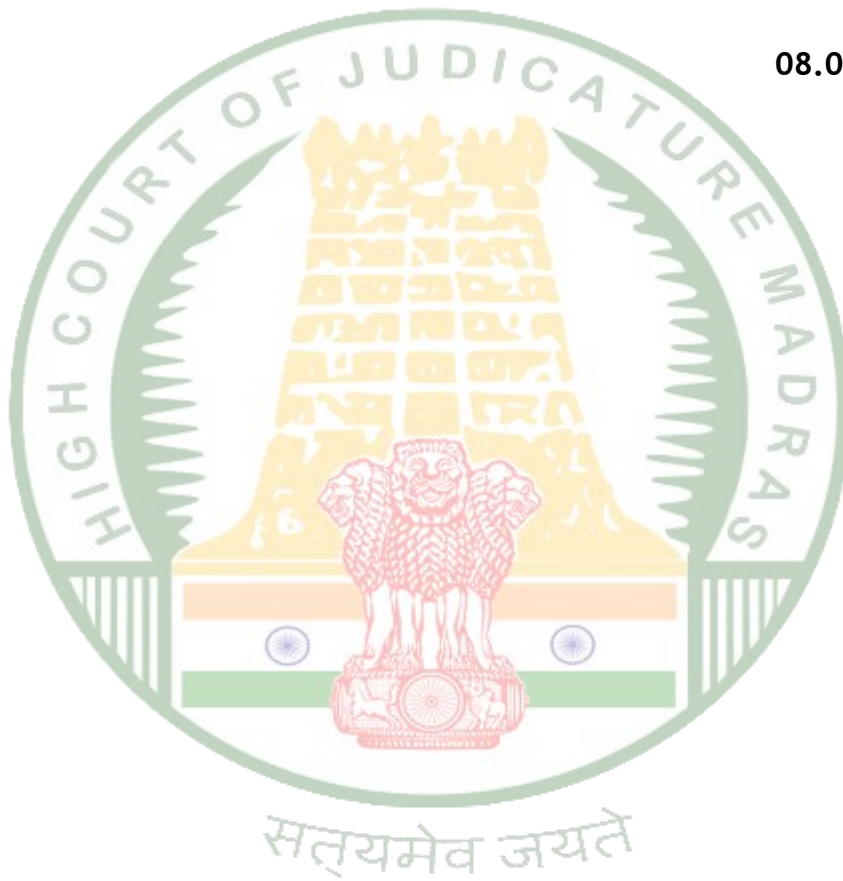
| <b><i>Sl. No.</i></b> | <b><i>Exhibits</i></b> | <b><i>Description</i></b>                             | <b><i>Dated</i></b> |
|-----------------------|------------------------|-------------------------------------------------------|---------------------|
| 1                     | Ex.P1                  | Will executed by Late Mr.Kesavan                      | 19.03.1999          |
| 2                     | Ex.P2                  | Death Certificate of Mr.Kesavan                       | --                  |
| 3                     | Ex.P3                  | Affidavit of assets belonged to Late Mr.Kesavan       | --                  |
| 4                     | Ex.P4                  | Legal notice issued by defendants 1 to 3              | 04.10.1999          |
| 5                     | Ex.P5                  | Reply Notice                                          | 02.12.1999          |
| 6                     | Ex.P6                  | Affidavit of attesting witnesses along with petition. | 24.06.1981          |

**List of the witnesses examined on the side of the defendants:** NIL

**List of Exhibits marked on the side of the defendants:** NIL

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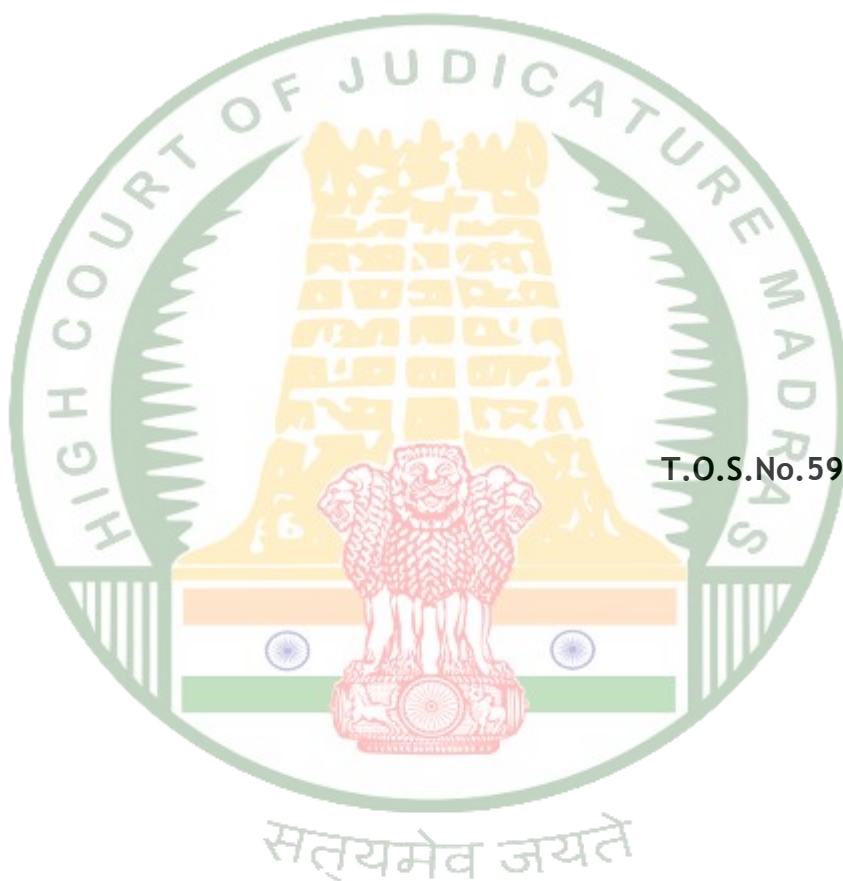


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**R.SUBRAMANIAN, J.**

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19.02.2019