

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

MONDAY, THE 02ND DAY OF MARCH 2020

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

A. No.839 of 2020
in
O.P.No.788 of 2016

In the matter of Indian
Succession Act, XXXIX of
1925
and
In the matter of
Last Will and Testament of
A.Govindan – deceased.

1. D.DIVYAPRABHA (GRAND DAUGHTER)
W/o.C.V.Manikandan,
G/d.A.Govindan,
No.58, P.M.Durga Main Road, Lloyds Road,
Chennai-600005.

2. D.HEMAMALINI (GRAND DAUGHTER)
D/o.Late G.Dhakshnamoorthy G/d.A.Govindan
No.58, P.M.Durga Main Road, Lloyds Road,
Chennai-600005.

3. D.KOWSALYA (MINOR)
D/o.Late G.Dhakshnamoorthy
Rep. by its mother and natural guardian
D.Saraswathi, No.58, P.M.Durga Main Road,
Lloyds Road, Chennai-600005.

..Petitioners

-VS-

1. D.CHANDRA
W/o.Late A.Govindan
No.9/56, B.B.3rd Street,
Dr.Natesan Road, Triplicane,
Chennai-600005.

2. S.YAGNALAKSHMI
(Daughter) W/o.Shanmugam
D/o.A.Govindan, No.12/13,
New Street, Lloyds Road,
Chennai-600005.

..Respondents

This application praying that this Hon'ble Court be pleased to condone the delay of 153 days in filing the application to restore the O.P.No.788 of 2016 on the file of this High Court dismissed for non prosecution on 20/08/2019 and dispose of the case on merits.

This application coming on this day before this court for hearing the court made the following order:-

This application is filed to restore O.P.No.788 of 2016 which was dismissed for non-prosecution on 20.08.2019.

2. I heard the learned counsel for the applicants/petitioners and the learned counsel for the respondents.

3. The learned counsel or the applicants submitted that the case was entrusted to a counsel who underwent a major brain surgery on 15.12.2018 and therefore, he was unable to attend the hearings. Although his senior's name was reflected in the vakalat, he was handling the case but could not attend the Court hearings on account of the aforesaid brain surgery. Mean while, the O.P. was dismissed on 20.08.2019 on account of non-

prosecution

4. The learned counsel for the respondents submitted that he has no

objection if this application is allowed.

5. Upon considering the submissions of the learned counsel for the respective parties and on examining the affidavit in support of this application, I find that the applicants have stated in paragraph-3 of the affidavit that the counsel could not attend the Court on account of brain surgery that he underwent on 15.12.2018. I find that the above reason constitutes sufficient cause to allow this application and restore the original petition.

6. Accordingly, this application is allowed and O.P.No.788 of 2016 is restored on the file of this Court.

List the Original Petition No.788 of 2016 on 18.03.2020

Sd/.S.K.R.J.
02.03.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/06.03.2020

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.