

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2020

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P.(PD)No.1068 of 2020

S.Padmanabhan

...

Petitioner

versus

Bharat A.Bobba

...

Respondent

PRAYER: Civil Revision Petition is filed under Section 227 of the Constitution of India, to direct the Principal District Court, Chengalpet to accept the steps already taken by the respondent is sufficient to proceed further in the Probate O.P., which is pending on the file of the Principal District Court, Chengalpet and to dispose of the petition in probate O.P.No.8 of 2016 which was filed on 14.07.2016.

For Petitioner

:

Mr.N.Kumar Rajan

ORDER

This civil revision petition has been filed by the petitioner seeking to direct the Principal District Court, Chengalpet to accept the steps already taken by the respondent which is sufficient to proceed further in the Probate of Original Petition which is pending on the file of the Principal District Court, Chengalpet and to dispose of the petition in probate O.P.No.8 of 2016 which was filed on 14.07.2016.

2. According to the revision petitioner, he has filed the said Original Petition in O.P.No.8 of 2016 for probating the Will annexed therein, and he is one of the beneficiaries under the Will of the deceased S.Padma, dated 23.01.2014, for letters of administration of the Will in favour the revision petitioner. Subsequently, the Court below has ordered notice to the respondent and the revision petitioner had taken steps through Court as well as by post to send the notice by Registered Post with Acknowledgement due, and the said notice was also received by the respondent herein, and the petitioner has also filed documents in the typed set of papers to show that the aforesaid notice has been served to the respondent.

3. On a perusal of the aforesaid documents, it is seen that the petitioner has not filed any acknowledgment / proof for receipt of the notice by the respondent, and the said notice is stated to have been sent to the respondent. Hence, the learned counsel for the petitioner now undertakes fresh notice will be issued to the respondent and appropriate steps will be taken for issuance of notice as well as to produce the acknowledgement before the Court below.

4. Therefore, this Court directs the Principal District Court, Chengalpet, to pass necessary orders for issuance of fresh notice to the respondent and thereafter, dispose of the petition in Probate O.P.No.8 of 2016 which was filed on 14.07.2016, in accordance with law and on merits.

5. With the above directions, the Civil Revision Petition is disposed of. No costs.

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Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

To

The Principal District Judge, Chengalpet.



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D.KRISHNAKUMAR, J.

msm



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