

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

TUESDAY, THE 09TH DAY OF MARCH 2021

THE HONBLE MR. JUSTICE R.PONGIAPPAN

A.Nos.958 to 965 of 2021
in
T.O.S.No.39 of 2008

In the matter of the Indian
Succession Act XXXIX of 1925,
and
In the matter of the Last Will and
Testament of E.Thulasi Pillai-
Deceased.

1. MR.T.RAMAMURTHY,
S/O.LATE E.THULASI PILLAI,
NO.16, SCHOOL STREET,
KOYAMBEDU.
CHENNAI - 600 107.

2. MR.T.RAMAN
S/O.LATE E.THULASI PILLAI,
NO.16, SCHOOL STREET,
KOYAMBEDU.
CHENNAI - 600 107.

3. MRS.L.KUMUDHA
W/O.LATE LAKSHMANAN,
NO.16, SCHOOL STREET,
KOYAMBEDU. CHENNAI - 600 107.

4.SELVI. L.REVATHY (**MINOR**)*
D/O.LATE LAKSHMANAN,
NO.16, SCHOOL STREET,
KOYAMBEDU.
CHENNAI - 600 107.

5. SELVI. L.PAVITHRAN (MINOR)*
S/O.LATE LAKSHMANAN,
NO.16, SCHOOL STREET,
KOYAMBEDU.
CHENNAI - 600 107.

6. L.ISWARAYA (MINOR)
D/O.LATE LAKSHMANAN,
NO.16, SCHOOL STREET,
KOYAMBEDU.
CHENNAI - 600 107.

PETITIONERS 4 TO 6 MINORS,
REP.BY THEIR MOTHER AND NATURAL
GUARDIAN MRS.L.KUMUDHA

..Petitioners/Plaintiffs

-Vs-

1. VIJAYALAKSHMI
W/O.KRISHNAMOORTHY,
NEW NO.96, OLD NO.206,
RAJA STREET, PADI,
CHENNAI - 600 050

2. MRS.UMA BHASKARAN
W/O.BHASKARAN,
NO.72, PALANI ANDAVAR KOIL STREET,
AYANAVARAM,
CHENNAI - 600 023.

*** 3. MR.T.RAJARAM**
S/O.LATE THULASI PILLAI,
NO.15-A, VELLALA STREET,
THIRUMOOLAVAR COLONY,
ANNANAGAR, CHENNAI-600040.

*** IMPEAED AS 3RD DEFENDANT AS**
PER ORDER DATED 2.1.2012 IN
A.NO.6056 OF 2011 AND
ORDER DATED 31.1.2012

*** THE PLAINTIFF 4 AND 5 ARE DECLARED AS MAJOR
BY ORDER DATED 8/1/15 IN A.NO.65/2015
AND DISCHARGED GUARDIANSHIP BY
ORDER DATED 8/1/15 IN A.NO.66/15
AND EXTENDED
ON 5/3/15 IN A.NO.1484 OF 2015.**

..RESPONDENTS/DEFENDANTS

A.No.958 and 960 and 962 of 2021:

1. T.RAMAMURTHY,
T.RAMAN (DECEASED)
2. L.KUMUDHA
3. L.REVATHY
4. L.PAVITHRAN
5. L.ISWARAYA (MINOR)

REP.BY HER MOTHER AND NATURAL
GUARDIAN MRS.L.KUMUDHA
ALL RESIDING AT
NO.16, SCHOOL STREET,
KOYAMBEDU.
CHENNAI - 600 107.

6. MRS.INDIRA,
NO.16, SCHOOL STREET,
KOYAMBEDU.
CHENNAI - 600 017.

...Applicants/Plaintiffs
Proposed 6th Plaintiff
in A.Nos.958 and 960
and 962 of 2021:

-Vs-

1. MRS.VIJAYALAKSHMI
W/O.KRISHNAMOORTHY,
NEW NO.96, OLD NO.206,
RAJA STREET, PADI,
CHENNAI - 600 050

2. MRS.UMA BHASKARAN
W/O.BHASKARAN,
NO.72, PALANI ANDAVAR KOIL STREET,
AYANAVARAM, CHENNAI - 600 023.

3.MR.T.RAJARAM
S/O.LATE THULASI PILLAI,
NO.15-A, VELLALA STREET,
THIRUMOOLAVAR COLONY,
ANNANAGAR, CHENNAI-600040.

IMPLEAED AS 3RD DEFENDANT AS
PER ORDER DATED 2.1.2012 IN
A.NO.6056 OF 2011 AND
ORDER DATED 31.1.2012

..RESPONDENTS/DEFENDANTS
in A.Nos.958 and 960
and 962 of 2021:

A.No.958 of 2021:

This application praying that this Hon'ble court be pleased to
condone the delay of 132 days in filing the application to set aside the
abatement caused on the death of the second plaintiff viz T.Raman in
TOS.No.39 of 2008.

A.No.960 of 2021:

This application praying that this Hon'ble court be pleased to bring on

record the 6th applicant herein as legal representatives of deceased second plaintiff viz T.Raman in TOS.No.39 of 2008 as proposed 7th Plaintiff.

A.No.962 of 2021:

This application praying that this Hon'ble court be pleased to set aside the abatement caused on the death of the second plaintiff viz T.Raman in TOS.NO.39 of 2008.

A.No.959 and 961 and 963 of 2021:

T.RAMAMURTHY (DECEASED)

1. T.RAMAN
2. L.KUMUDHA
3. L.REVATHY
4. L.PAVITHRAN
5. L.ISWARAYA (MINOR)

REP.BY HER MOTHER AND NATURAL
GUARDIAN MRS.L.KUMUDHA
ALL RESIDING AT
NO.16, SCHOOL STREET,
KOYAMBEDU.
CHENNAI - 600 107.

6. MRS.PAPAMMAL,
- 7.V.RAJESHWARI,
- 8.RAJAPRAKASH,
- 9.P.MAHESWARI

10.SURESHKUMAR,
11.PRIYA,

6 TO 11 AT NO.16,
SCHOOL STREET,
KOYAMBEDU,
CHENNAI-600 107

...Applicants/Plaintiffs 1 to 6
Proposed Plaintiffs 8 to 13
in A.Nos.959 and 961
and 963 of 2021:

-Vs-

1. MRS.VIJAYALAKSHMI
W/O.KRISHNAMOORTHY,
NEW NO.96, OLD NO.206,
RAJA STREET, PADI,
CHENNAI - 600 050

2. MRS.UMA BHASKARAN
W/O.BHASKARAN,
NO.72, PALANI ANDAVAR KOIL STREET,
AYANAVARAM,
CHENNAI - 600 023.

3.MR.T.RAJARAM
S/O.LATE THULASI PILLAI,
NO.15-A, VELLALA STREET,
THIRUMOOLAVAR COLONY,
ANNANAGAR, CHENNAI-600040.

IMPLEAED AS 3RD DEFENDANT AS
PER ORDER DATED 2.1.2012 IN
A.NO.6056 OF 2011 AND
ORDER DATED 31.1.2012

..RESPONDENTS/DEFENDANTS
in A.Nos.959 and 961
and 963 of 2021:

A.No.959 of 2021:

This application praying that this Hon'ble court be pleased to set aside the abatement caused on the death of the first plaintiff viz. T.Ramamurthy in TOS.No.39 of 2008.

A.No.961 of 2021:

This application praying that this Hon'ble court be pleased to condone the delay of 17 days in filing the application to set aside the abatement caused by the death of first plaintiff i.e. T.Ramamurthy in TOS.No.39 of 2008.

A.No.963 of 2021:

This application praying that this Hon'ble court be pleased to bring on record the applicants 6 to 11 herein as legal representative of deceased first plaintiff viz T.Ramamurthy in TOS.No.39 of 2008 as proposed plaintiffs 8 to 13.

A.Nos.964 AND 965 of 2021:

1. T.RAMAMURTHY,

2. T.RAMAN

3. L.KUMUDHA

4.L.REVATHY (MINOR)*

5. L.PAVITHRAN (MINOR)*

6. L.ISWARAYA (MINOR)

PETITIONERS 4 TO 6 MINORS,
REP.BY THEIR MOTHER AND NATURAL
GUARDIAN MRS.L.KUMUDHA

ALL AT RESIDING AT
NO.16, SCHOOL STREET,
KOYAMBEDU.
CHENNAI - 600 107.

*** THE PLAINTIFF 4 AND 5 ARE DECLARED AS MAJORS
BY ORDER DATED 8/1/2015 IN A.NO.65/2015
AND DISCHARGED FROM GUARDIANSHIP BY
ORDER DATED 8/1/2015 IN A.NO.66/15
AND EXTENDED
ON 5/3/2015 IN A.NO.1484 OF 2015.**

..Applicants/Plaintiffs
in A.Nos.964 AND 965 of 2021:

-Vs-

1. MRS.VIJAYALAKSHMI
W/O.KRISHNAMOORTHY,
NEW NO.96, OLD NO.206,
RAJA STREET, PADI,
CHENNAI - 600 050

2. MRS.UMA BHASKARAN
W/O.BHASKARAN,
NO.72, PALANI ANDAVAR KOIL STREET,
AYANAVARAM,
CHENNAI - 600 023.

3. MR.T.RAJARAM
S/O.LATE THULASI PILLAI,
NO.15-A, VELLALA STREET,
THIRUMOOLAVAR COLONY,
ANNANAGAR, CHENNAI-600040.

(IMPLAED AS 3RD DEFENDANT AS
PER ORDER DATED 2.1.2012 IN
A.NO.6056 OF 2011 AND
ORDER DATED 31.1.2012)

..RESPONDENTS/DEFENDANTS
in A.Nos.964 AND 965 of 2021:

A.No.964 of 2021:

This application praying that this Hon'ble court be pleased to Pass an order declaring the 6th plaintiff namely L.Iswaraya as major in TOS.No.39 of 2008.

A.No.965 of 2021:

This application praying that this Hon'ble court be pleased to discharge the 6th applicant/6th plaintiff from the guardianship of minor namely L.Iswaraya, the 6th plaintiff herein in TOS.No.39 of 2008.

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These applications are coming on this day before this Court for hearing, the court made the following order:-

Heard.

2. The learned counsel appearing for the plaintiffs had filed two applications in A.Nos.964 and 965 of 2021 wherein, they prayed to pass an order, declaring the 6th plaintiff, namely, L.Iswaraya, as major. Further, they prayed to discharge the 6th applicant/6th plaintiff, from the guardianship of minor, namely, L.Iswaraya.

2. The learned counsel appearing for the respondents would submit that the respondents are not having any objection in allowing these applications.

3. Accordingly, A.Nos.964 and 965 of 2021, are allowed. The 6th plaintiff, namely, L.Iswaraya, was declared, as major and in respect to guardianship, the same is discharged.

4. Further, in respect to the death of the 2nd plaintiff, the learned counsel for the plaintiffs had filed 3 applications in A.Nos.958, 960 and 962 of 2021 wherein, they prayed to condone the delay of 132 days in filing the application to set aside the abatement caused on the death of the 2nd plaintiff, to bring on record the 6th applicant herein as legal representatives of the deceased 2nd plaintiff and to set aside the abatement caused on the death of the 2nd plaintiff, namely, T.Raman, in T.O.S.No.39 of 2008.

5. For these applications also, the learned counsel appearing for the respondents would submit that the respondents are not having any objection in allowing these applications.

6. Accordingly, A.Nos.958, 960 and 962 of 2021, are allowed.

7. Similarly, the learned counsel for the plaintiffs had filed another 3 applications in A.Nos.961, 963 and 959 of 2021 wherein, they prayed to condone the delay of 17 days in filing the application to set aside the abatement caused on the death of the 1st plaintiff, to bring on record the applicants 6 to 11 herein as legal representatives of the deceased 1st plaintiff and to set aside the abatement caused on the death of the 1st plaintiff, namely, T.Ramamurthy, in T.O.S.No.39 of 2008.

8. Herein also, the learned counsel appearing for the respondents would submit that the respondents are not having any objection in allowing these applications.

9. Accordingly, A.Nos.961, 963 and 959 of 2021, are allowed.

10. Registry is directed to carry out necessary amendments in the plaint and list the matter on 30.03.2021 for filing amended copy of the petition. Further, directed to list the T.O.S.No.39 of 2008 along with C.S.No.22 of 2010.

Sd/-R.P.A.J.
09.03.2021

//Certified to be a true copy//

Dated at Madras this the day of 2021.

SU/12.03.2021

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

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