



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

FRIDAY, THE 08TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.No.3136 of 2021
IN
T.O.S.No. 14 of 2020

In the matter of the Indian
Succession Act XXXIX of 1925,
and
In the matter of the Registered Last
Will and Testament of
D.Janakiammal-Deceased

K.G.RAGHUNATH
New No.28 (Old No.5-B)
Narayana Maistry Street,
Ayanavaram, Chennai-600 023

..Petitioner/Plaintiff

-VS-

1. K.E.PUSHPALATHA @ LATHA
New No.34, Old No.176,
Mettu Street, Ayanavaram,
Chennai-600 023

2. R.L.GEETHA
W/o.R.S.Lohanathan,
No.28, Narayanan Street,
Ayanavaram,
Chennai-600 023

3. M.AMUDHA
No.22, Guji 1st Street,
Anna Nagar East, Chennai-600 102

..Caveator/1,2,5th
Respondents



WEB COPY A.No.3136 of 2021:

K.G.RAGHUNATH
New No.28 (Old No.5-B)
Narayana Maistry Street,
Ayanavaram, Chennai-600 023

..Applicant/Petitioner/Plaintiff

-VS-

1. K.E.PUSHPALATHA @ LATHA
New No.43, Old No.176,
Mettu Street, Ayanavaram,
Chennai-600 023

2. R.L.GEETHA
W/o.R.S.Lohanathan,
No.28, Narayanan Maistry Street,
Ayanavaram,
Chennai-600 023

3. M.AMUDHA
No.22, Guji 1st Street,
Anna Nagar East, Chennai-600 102

..Respondents/
Caveators/Respondents
- 1,2 and 5

This application praying that this Hon'ble Court be pleased to permitting the Counsel on record to write in the value of the estate by pen at wherever the value is written in pencil in the Exhibits P7/ i.e. affidavit of assets and liabilities filed in O.P.No.558 of 2019.

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



This application has been filed seeking permission to incorporate the total value of the assets in the affidavit of assets filed along with the original petition.

2. Heard Mr.Umashankar, learned counsel appearing for the applicant and Ms.Ramani Ammu, learned counsel appearing for the respondents.

3. Mr.Umashankar, learned counsel appearing for the applicant would submit that by mistake the total value of the assets in the affidavit of assets was filled up with pencil and the same was omitted to be typed. When the affidavit of assets was sought to be marked in evidence, the counsel for the respondents has opposed to the same.

4. A perusal of the affidavit would show that it is only an error on the part of the counsel and no prejudice would be caused to the respondents by allowing the affidavit of assets to be corrected.

5. Hence, this application is allowed. The applicant is permitted to write the total value of the assets in the affidavit of assets with pen and proceed with the evidence. The correction shall be carried out in the presence of the Assistant Registrar, Original Side on or before 29.10.2021.



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6. Thereafter, the Registry is directed to list the Testamentary Original Suit before the learned Additional Master - IV on 08.11.2021 for continuation of evidence.

Sd/.R.S.M.J.
08.10.2021

//Certified to be a true copy//
Dated this the day of 2021.

Su/18.10.2021

COURT OFFICER(O.S.)

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