



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

FRIDAY, THE 25TH DAY OF MARCH 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

TOS.No.6 of 1996

In the matter of the Indian
Succession Act XXXIX of 1925;
and
In the matter of the Will of
Venkatarangam Deenadayalu -
Deceased

Dr.D.Prabhakar
No.79-B, Luz Avenue,
Mylapore, Madras- 600 004.

..Petitioner/Plaintiff

VS

Smt.Amruthalakshmi
No.44/2, M.I.G.Flats,
Ashok Nagar,
Madras - 600 083

..Caveator/Defendant

Testamentary Original Suit praying that this Hon'ble Court be pleased
to allow the petitioner to prove the will in common form, and that probate
thereof to have effect throughout the State of Madras be granted to him.



This Testamentary Original Suit coming on this day before this Court for hearing and the plaintiff and the defendant herein not appearing in person or by advocate and upon reading the petition filed herein and

It is ordered as follows:-

That the suit in TOS.No.6 of 1996 be and is hereby dismissed for non-prosecution.

2. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 25TH DAY OF MARCH 2022.

Sd./-
JOINT REGISTRAR

//Certified to be true copy//

Dated at Madras this the day of 2022.

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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T.O.S.No.6 of 1996

ORDER

DATED : 25.03.2022

THE HON'BLE MRS. JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 26.04.2022

APPROVED ON : 26.04.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2022

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

T.O.S.No.6 of 1996

Dr.D.Prabhakar

... Plaintiff

Vs.

Amruthalakshmi

...Defendant

Civil Suit filed under Sections 222 & 276 of the Indian
Succession Act XXXIX of 1925 for grant of Probate

For Plaintiff : No appearance

For Defendant : No appearance

J U D G M E N T

On an earlier occasion, viz., 22.02.2022, the learned counsel for the defendant would submit that he could not contact the defendant and sought time to report the present stage of the suit, hence at his request, the matter was adjourned to 21.03.2022. On 21.03.2022, the learned counsel for the defendant submitted that since he could not contact his client for the past 15 years, he sent a letter dated 22.02.2022 through registered post acknowledgment due and the same was returned as 'No such Person' and



there was no appearance on behalf of the plaintiff also, hence this Court directed the Registry to print the name of the plaintiff as well as defendant in the cause list and to post the matter on 25.03.2022.

2. Today, on 25.03.2022, when the suit is taken up for hearing, though the name of the plaintiff as well as defendants are printed in the cause list, there is no appearance by the parties or through learned counsel, hence the present suit is dismissed for non-prosecution. No costs.

Sd./-V.B.S.J.
25.03.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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