



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

FRIDAY, THE 04TH DAY OF MARCH 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

T.O.S.No.10 of 2005

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

J.R.Thambidurai (deceased)

1. Mrs.Thambidurai

2. James Samuel Raj

Both residing at
No.61 Ponnappa Mudali Street,
Purasawalkam, Chennai 600 007.

...Petitioners/Plaintiffs

Vs.

Mary Iris Cotter
Door No.88, Colebee Crescent
Hassall Grove 2147
Sydney, NSW, Australia

.. Caveator/Defendant

Testamentary original suit praying that Letters of Administration
with the Will annexed be granted to petitioners as the friend of the said
deceased having effect through out the State of Tamil Nadu.

This Testamentary Original Suit coming on this day before this



Court for hearing, in the presence of Mr.K.P.Gopalakrishnan, Advocate for the Defendant herein and the plaintiffs herein not appearing in person or by Advocate and upon reading the petition filed herein,

It is ordered as follows:

That the Testamentary Original suit in T.O.S.No.10 of 2005 be and is hereby dismissed for non-prosecution.

2. That there shall be no orders as to costs.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 04TH DAY OF MARCH 2022.

Sd./-

JOINT REGISTRAR(O.S)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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29.03.2022

T.O.S. No.10 of 2005

ORDER

DATED 04.03.2022

THE HON'BLE MRS.JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 13.04.2022

APPROVED ON : 18.04.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.03.2022

CORAM :

THE HONOURABLE MRS. JUSTICE **V.BHAVANI SUBBAROYAN**

T.O.S.No. 10 of 2005

1.J.R.Thambidurai (Deceased)

2.Thambidurai

3.James Samuel Raj

..Plaintiffs

Versus

Mary Iris Cotter

..Defendant

Prayer: Original Petition converted as TOS praying for Letters of Administration under Sections 232 & 276 of the Indian Succession Act, XXXIX and read with Order XXV Rule 5 of the Original Side Rules, 1956, the letters of administration with the Will annexed may be granted to him as the friend of the said deceased having effect throughout the State of Tamil Nadu.

For Plaintiffs : No Appearance

For Defendant : Mr.K.P. Gopalakrishnan

JUDGEMENT

When the Testamentary Original Suit was taken up for hearing on



Hence, the matter was directed to be posted today i.e, on 01.03.2022 under the caption “for dismissal”. Even today, there is no representation for the plaintiffs either in person or through their learned counsel.

2. Therefore, this Testamentary Original Suit is dismissed for non-prosecution. No costs.

Sd./-V.B.S.J
04.03.2022

//Certified to be true copy//

Dated at Madras this the day of 2022

COURT OFFICER(O.S.)

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