



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

MONDAY, THE 18TH DAY OF APRIL 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

TOS.No.27 of 2005
(O.P.No.53 of 2004)

In the matter of the Indian
Succession Act XXXIX of 1925;
and
In the matter of the last Will and
Testament of A.Kumaraswamy
Naicker - Deceased

1.B.Hariharan

2.B.Senthilkumar

3.B.Saraswathi

All are residing at
Old No.17, New No.20,
Pushpa Nagar Ist Street,
Nungambakkam, Chennai- 600 034

..Petitioners/Plaintiffs

vs

Radha
No.35, West Mada Street,
Nungambakkam,
Chennai- 600 034

..Caveator/Defendant

Testamentary Original Suit praying that this Hon'ble Court be pleased

to pass an order that Letters of Administration with will annexed may be



deceased having effect throughout the State of Tamilnadu Limited to the property mentioned in the affidavit of assets.

This Testamentary Original Suit coming on this day before this Court for hearing in the presence of Mr.P.S.Vasanthakumar, Advocate for the defendant herein and the plaintiffs 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.27 of 2005 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 18TH DAY OF APRIL 2022.

Sd./-
JOINT REGISTRAR (O.S.)

//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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28.04.2022

T.O.S.No.27 of 2005
(O.P.No.53 of 2004)

ORDER

DATED : 18.04.2022

THE HON'BLE MRS. JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 09.05.2022

APPROVED ON : 16.05.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TOS.No.27 of 2005

1. B. Hariharan
2. B. Senthilkumar
3. B. Saraswathi

... Plaintiffs

Versus

1. Radha
2. Sundaramoorthy

... Defendants

Prayer: TOS numbered on conversion of O.P.No. 53 of 2004, filed under Sections 232, 255 and 276 of Indian Succession Act, read with Order XXV Rule 5 of O.S.Rules, praying that the Letters of Administration with Will annexed may be granted to them as the beneficiaries under the WILL of the said deceased having effect throughout the State of Tamil Nadu Limited to the property mentioned in the affidavit of assets.

For Plaintiffs : No Appearance

For Defendants : Mr.P.S.Vasanthakumar

**JUDGMENT**

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When the case was taken up for hearing on 12.04.2022, there was no representation for the plaintiffs. Hence, the matter was directed to be posted today i.e, on 18.04.2022, under the caption “for dismissal”. Even today, there is no representation for the plaintiff either in person or through his learned counsel. Therefore, this TOS is dismissed for non-prosecution. No costs.

Sd./-V.B.S.J.
18.04.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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