



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

MONDAY, THE 4TH DAY OF APRIL 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

TOS.No.37 of 2011
(O.P.No.392 of 2011)

In the matter of the Indian
Succession Act XXXIX of 1925;
and
In the matter of the last Will and
Testament of N.Subramaniam -
Deceased

Indira
No.1, White Lane, Whites Road
Royapettah, Chennai- 600 014

...Petitioner/ Plaintiff

vs

1.K.Sarala
2.Geetha
3.Pargavi
4.Deepa
5.Illayaraja

(All residing at
2323, C.W.S. "A" Block,
3rd Main Road, Madhavaram,
Chennai

...Caveators/Defendants

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

that the petitioner may be allowed to prove the Will in common form and

the probate thereof to have effect limited to the State of Tamil Nadu may be



This Testamentary Original Suit coming on this day before this Court for hearing in the presence of Mr.K.Harishankar, Advocate for the defendants herein and the plaintiff 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.37 of 2011 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 04TH 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.)

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13.06.2022

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TOS.No.37 of 2011
(O.P.No.392 of 2011)

ORDER

DATED :04.04.2022

THE HON'BLE MRS. JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 04.07.2022

APPROVED ON : 04.07.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

T.O.S. No.37 of 2011

in

O.P. No.392 of 2011

Indira

...Plaintiff

.Vs.

1.K. Sarala

2.Geetha,

3.Pargavi,

4.Deepa,

5.Illayaraja,

... Defendants

Prayer:

T.O.S. Numbered on conversion of O.P No.392 of 2011 as per Order dated 04.11.2011 in O.P.No.392 of 2011 which has been filed praying for grant of Probate.

For Plaintiff : No Appearance

For Defendants : Mr. K. Harishankar

J U D G M E N T

When the matter was listed on 21.02.2022, there was no representation on behalf of the plaintiff in the aforesaid suit and the learned counsel for the defendant was alone present on that day. The written



statement was filed in the year 2015 itself in the aforesaid suit by the learned counsel appearing for the defendants. Hence, the matter was adjourned to 17.03.2022 for filing draft issues. When the matter came up for hearing on 17.03.2022, there was no representation for the plaintiff, the defendants' counsel sought time for filing draft issues and hence, the matter was listed on 29.03.2022.

2. While the matter was taken up on 29.03.2022, there was no representation for the plaintiff even though the learned counsel for the defendants was present on that day and hence the matter was directed to be listed the matter on 29.03.2022 under the caption "for dismissal"

3. Despite the same, even today, there is no representation on behalf of the plaintiff either through counsel or in person.

4. In view of the above, the aforesaid Testamentary Civil Suit stands dismissed for non prosecution. No costs.

Sd./-V.B.S.J.
04.04.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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