



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

MONDAY, THE 24TH DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE N.SESHASAYEE

T.O.S.No.15 of 2015
and
A. No.3257 of 2020

T.O.S.No.15 of 2015:-

In the matter of the Indian Succession
Act XXXIX of 1925, and

In the matter of Last Will and
Testament of T.Kandaswamy Chettiar
- Deceased.

T.K.Somasundaram,
S/o. Late. Mr. T.Kandaswamy Chettiar,
No.16, Murthi Avenue, III Street,
Lakshmi Nagar Extension,
Porur, Chennai - 600 116.

...Petitioner / Plaintiff

VS

R.Devaki
Old No.53, New No.111,
St.Xavier Street, Chennai - 600 001. ...Caveator / Defendant

Testamentary Original Suit praying that this Hon'ble Court be
pleased to for the Letters of Administration with the will annexed may be
granted to him as son/one of the Beneficiary under the Will of the said
deceased having effect limited to the state of Tamil Nadu.



A. No. 3257 of 2020:-

WEB COPY

In the matter of the Indian Succession Act 1925, and

In the matter of Last Will and Testament of T.Kandaswamy Chettiar - Deceased.

R. Devaki
Old No.53, New No.111,
St.Xavier Street,
Chennai - 600 001.

...Applicant/Defendant

vs

T.K. Somasundaram,
S/o. Late. T. Kandaswamy Chettiar,
No.16, Murthi Avenue, III Street,
Lakshmi Nagar Extension,
Porur, Chennai - 600 116.

...Respondent/Plaintiff

Application praying that this Hon'ble Court be pleased to direct the respondent to produce statement of Accounts in respect of the schedule mentioned properties from March 2015 to October 2020, and thereby directing the respondent to pay the rental income share of the applicant from March 2015 to October 2020 and continue to pay the same pending disposal of the above T.O.S. No.15 of 2015.

This Testamentary Original Suit alongwith the application coming on this day before this Court for hearing in the presence of



the respondent in A.No.3257 of 2020 and M/s.G.Sumithra , Advocate for the defendants in T.O.S.No.15 of 2015 and for the Applicant in A.No.3257 of 2020 and upon reading the petition filed in T.O.S.No.15 of 2015 and Judge's Summons and the affidavit of R.Devaki filed in A.No.3257 of 2020 and the Counter Affidavit of T.K.Somasundaram filed in A.No.3257 of 2020 and the Rejoinder affidavit of R.Devaki filed in A.No.3257 of 2020 and the memo dated 26.12.2021 filed by the plaintiff herein, to that effect, it is ordered as follows:-

That the suit in T.O.S.No.15 of 2015 be and is hereby dismissed as withdrawn.

2) That the A.No.3257 of 2020 do stand closed.

3) That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 24TH DAY OF JANUARY 2022.

Sd/-

JOINT REGISTRAR (O.S.) (i/c)

//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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28.02.2022

T.O.S.No.15 of 2015
and
A. No.3257 of 2020

ORDER

DATED : 24.01.2022

THE HON'BLE MR.JUSTICE
N.SESHASAYEE

FOR APPROVAL: 28.02.2022

APPROVED ON : 28.02.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

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THE HONOURABLE **MR.JUSTICE N.SESHASAYEE**

T.O.S.No.15 of 2015
& A.No.3257 of 2020

Mr.T.K.Somasundaram.
S/o. Late Mr.T.Kandaswamy Chettiar, ... Plaintiff

Vs.

R.Devaki ...Defendant

Prayer: Petition filed under Section 232 and 276 of Indian Succession Act
& OR. XXV Rule 5 of O.S.Rules.

For Plaintiff : Mr.N.Nagu Sah

For Defendant : M/s.G.Sumithra

JUDGMENT

(This case has been heard through video conferencing)

The learned counsel for the plaintiff seeks the leave of the Court to
withdraw the suit and has also filed necessary memo to that effect.



2. In view of the above, the Suit is dismissed as withdrawn. No costs.

Consequently, the connected Application is closed.

Sd/- N.S.S.J.

24.01.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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