



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.58 of 2016
(O.P.No.337 of 2015)

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

Bojja Janardhana Rao,
S/o.Dharma Raju,
Door No.31-7-19, Yallavari Street,
Kakinada, East Godavari District,
Andhra Pradesh

...Plaintiff/Petitioner

VS

N.Suresh Babu,
S/o.Late Narasimhulu Chetty,
Suresh Pawn Brokers Shop,
Nagulapuram Road, Uttukottai 602 026

...Caveator/Defendant

Testamentary Original Suit praying that this Hon'ble Court be pleased
to pass an order that the petitioner may be allowed to prove the Will of
N.Baby Ammal deceased dated 21.03.2005 in common form, and that
probate thereof, to have effect throughout the Union of India and limited to
the property mentioned in the affidavit of assets may be granted to him.



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This Testamentary Original Suit coming on this day before this Court for hearing in the presence of Mr.C.P.Sivamohan, Advocate for the Plaintiff herein and the defendant herein not appearing in person or by advocate and upon reading the petition filed herein and the learned counsel for the plaintiff herein having submitted that the matter has been settled out of Court between the parties and they want to withdraw the suit and hence, he sought permission of this Court to withdraw the suit as settled out of Court and also made an endorsement in the petition stating that "May be pleased to dismiss as settled out of Court and refund of court fee may be ordered",

It is ordered as follows:-

That the suit in TOS.No.58 of 2016 be and is hereby dismissed as settled out of Court.

2. That a certificate under Section 69 of The Tamil Nadu Court Fees and Suits Valuation Act XIV of 1955, do issue herein, out of and under the seal of this Court in favour of Bojja Janardhana Rao, the Plaintiff herein, authorising him to receive from the Pay and Accounts office, High Court, Madras, a sum of Rs.4215/- (Rupees Four Thousand Two Hundred and Fifteen only) being the entire Court fee paid on the plaint by the plaintiff herein.



WEB COPY 3. 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.)

From 25th Day of September 2008 the Registry is issuing certified copies of
the Orders/Judgments/Decrees in this format.



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DL

15.06.2022

TOS.No.58 of 2016
(O.P.No.337 of 2015)

ORDER

DATED : 04.04.2022

THE HON'BLE MRS. JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 22.06.2022

APPROVED ON : 22.06.2022



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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.58 of 2016

in

O.P. No.337 of 2015

Bojja Janardhana Rao,

...Plaintiff

.Vs.

N. Suresh Babu,

... Defendant

Prayer:

T.O.S. Numbered on conversion of O.P No.337 of 2015
as per the order dated 03.08.2016 in O.P.No.337 of 2015 which has been
filed praying for grant of Probate.

For Plaintiff : Mr. C.P. Sivamohan

For Defendant : No Appearance



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J U D G M E N T

When the matter is taken up today for hearing, the learned counsel for the plaintiff submits that the matter has been settled out of Court between the parties and they want to withdraw the suit. Hence, he sought permission of this Court to withdraw the suit as settled out of Court. He has also made an endorsement in the plaint accordingly.

2. In view of the aforesaid submissions and endorsement made by the learned counsel for the plaintiff, the Testamentary Original Suit is dismissed as settled out of Court. The plaintiff is entitled for refund of Court Fee in accordance with the Rules. 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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