



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

WEDNESDAY, THE 27TH DAY OF APRIL 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

TOS.No.73 of 2016
(O.P.No.615 of 2016)

In the matter of the Indian
Succession Act XXXIX of 1925;
and
In the matter of the last Will and
Testament of Mrs.Vijaya Natarajan
- Deceased

Mrs.Pramila
Wife of Late Mr.Sundaram @ Mohana Sundaram
New No.75, Bakthavatchalam Colony,
1st Street, Vadapalani,
Chennai- 600 026

...Petitioner/ Plaintiff

vs

Mrs.Lalitha Padmanabhan
Wife of Late Mr.Padmanabhan
presently residing under the care of
Mr.K.Subramaniam, at No.3,
Jalan Teluki 3,
Sek BS 2, Bukit sentosa 48300,
Rawang S.D.E. West Malaysia

...Caveator/Defendant

Testamentary Original Suit praying that this Hon'ble Court be pleased
to grant the petitioner Letters of Administration with the Will annexed to
her as daughter-in-law/beneficiary under the Will of the said deceased
having effect limited to the State of Tamil Nadu.



This Testamentary Original Suit coming on this day before this Court for hearing in the presence of Mr.A.Muthukumar, Advocate for the plaintiff herein and Mr.K.P.Rajarajachozan, Advocate for the defendant herein and upon reading the petition filed herein and the learned counsel appearing for the plaintiff sought permission of this Court to withdraw the Testamentary Original Suit and he has also produced a letter head dated 07.04.2022 and this Court doth recording the same,

It is ordered as follows:-

That the suit in TOS.No.73 of 2016 be and is hereby dismissed as settled out of Court.

2. That the Registry herein be and is directed to return all the original documents filed by the plaintiff before this Court after retaining a xerox copy of the original documents.

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 27TH 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.



DL

15.06.2022

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TOS.No.73 of 2016
(O.P.No.615 of 2016)

ORDER

DATED : 27.04.2022

THE HON'BLE MRS. JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 21.06.2022

APPROVED ON : 22.06.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.04.2022

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

TOS.No. 73 of 2016

Pramila

..Plaintiff

Versus

Lalitha Padmanabhan

..Defendant

TOS numbered on conversion of O.P.No. 615 of 2016, filed under Sections 232 and 276 of Indian Succession Act, XXXIX of 1925 read with Order XXV Rule 5 of O.S.Rules, 1956, praying that the Letters of Administration with Will annexed to her as daughter in law as the beneficiary under the WILL of the said deceased having effect throughout the State of Tamil Nadu and thus render justice.

For Plaintiff : Mr.A. Muthukumar

For Defendant : Mr.K.P.Rajarajachozhen

JUDGEMENT

The learned counsel appearing for the plaintiff seeks permission of this Court to withdraw the Testamentary Original Suit and has also produced a letter head dated 07.04.2022, which reads as follows:-

*"I am the petitioner counsel herein, the
petition is filed for grant of letters of administration*



WEB COPY

with the Will annexed to her as daughter in law beneficiary (Petitioner) the said petition is pending before the Hon'ble High Court of Madras. Now, the Petitioner is willing to settle the matter due to her health issue and the said matter is settled out of Court. So, I kindly request you to post the above said matter on withdrawal capture before Hon'ble Justice".

".

2. Recording the aforesaid letter dated 07.04.2022 filed by the learned counsel appearing for the plaintiff, this Testamentary Original Suit is dismissed as "Settled out of Court". No costs.

3. Registry is directed to return all the original documents filed by the plaintiff before this Court after retaining a xerox copy of the original documents. Further, Registry is directed to refund the Court Fee if paid by the plaintiff in the Testamentary Original Suit in accordance with the provisions of the Tamil Nadu Court Fees and Suit Valuation Act, 1955.

Sd./-V.B.S.J.
27.04.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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