



WEB COPY

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

THURSDAY, THE 21ST DAY OF APRIL 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

TOS.No.4 of 2014
(O.P.No.524 of 2012)

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

In the matter of the last Will and
Testament of T.K.Visalakshi -
Deceased

C.J.Logabandu
Son of Thiru.C.R.Jayaraman,
Residing at Flat No.5/5, First Floor,
Block -I, Jayaram Apartments,
New No.11, Old No.5,
Kesavaperumal South Street,
Also known as Arisikaran Street,
Mylapore, Chennai- 600 004

...Plaintiff/Petitioner

VS

1.Rama Bai
Wife of Mr.Shunmugasundaram
Residing at No.4/25,
Mahathma Gandhi Street,
Pachiamman Nagar,
Minjur 601 203

2.T.S.Saroja
Wife of T.K.Subramaniam,
Residing at No.70/36,
First Street, Teeds Garden,
Perumbur, Chennai- 600 011



3. V. Ambika
Mr. Vijaya Kumar,
Residing at Door No.26/7-226,
Mahatma Gandhi Nagar,
Near Water Tank, A.K.Nagar,
Nellore - 524004

4. T.S. Sai Ram
Son of Thiru. T.K. Subramaniam,
Residing at No.70/36,
First Street, Teeds Garden,
Perumbur, Chennai- 600 011

5. S. Karpagavalli
Wife of Mr. Sudhakar,
Residing at Door No.26/7-226
Mahatma Gandhi Nagar,
Near Water Tank, A.K.Nagar,
Nellore - 524004

6. V. Jothi
Daughter of Thiru. T.K. Nithyanandam,
Residing at No.611/10/16
Ammisettyvari Street,
Vijayavada

7. V.S. Sasikumari
Daughter of Thiru. T.K. Nithyanandam
Residing at No.1/7 /12
Chaithanyapuri, Dilshukh Nagar,
Hyderabad - 500 047

8. T.K. Ganapathy
Son of Thiru. T.N. Kandasamy
Residing at No.15/17-26
New Mirjalguda Malkajiri,
Hyderabad - 500 047

...Caveators/Defendants

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



common form, and that probate thereof, to have effect limited to the State of Tamilnadu may be granted to him.

This Testamentary Original Suit coming on this day before this Court for hearing in the presence of Mr.T.V.Sekar, Advocate for the defendants herein and the plaintiff herein not appearing in person or by advocate and upon reading the petition filed herein ,

It is ordered as follows:-

That the suit in TOS.No.4 of 2014 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 21ST 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.



WEB COPY



5

WEB COPY 08.06.2022

T.O.S.No.4 of 2014
(O.P.No.524 of 2012)

ORDER

DATED : 21.04.2022

THE HON'BLE MRS. JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL:09.06.2022

APPROVED ON : 09.06.2022



WEB COPY

6

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

T.O.S. No.4 of 2014

in

O.P. No.524 of 2012

C.J. Logabandu,

...Plaintiff

.Vs.

1. Mrs. Rama Bai,
2. Mrs. T.S. Saroja
3. Mrs. V. Ambika
4. Mr. T.S. Sai Ram,
5. Mrs. S. Karpagavalli,
6. V. Jothi,
7. V.S. Sasikumari,
8. T.K. Ganapathy

... Defendants

Prayer:

T.O.S. Numbered on conversion of O.P No.524 of 2012
as per Order dated 29.10.2013 in O.P. No.524 of 2012 which has been filed
under Sections 222 and 276 of the Indian Succession Act, XXXIX of 1925,
for grant of Probate.

For Plaintiff : No Appearance

For Defendants : Mr. T.V. Sekar



WEB COPY

JUDGMENT

When the matter was listed on 23.02.2022, there was no representation on behalf of the plaintiff in the aforesaid suit and it was reported by the learned counsel for the defendants that the plaintiff's counsel died and hence the Registry was directed to remove the name of the plaintiff's counsel Mr. C. Ajit Kumar from the cause list and the matter was adjourned to 09.03.2022.

2. Again the matter was taken up on 09.03.2022, there was no representation on the side of the plaintiff and the learned counsel for the defendants submitted that Defendants 1 and Defendant 7 died and he sought some time for taking steps by 17.03.2022.

3. When the matter came up on 17.03.2022, it was submitted that the counsel for the plaintiff is no more and his Junior counsel could not be traced out. No appearance for the plaintiff. Hence, the defendants' counsel was directed to send the copies of Written Statement to the plaintiff's address given in the plaint and file a affidavit of Service to that effect and Registry was directed to take appropriate steps in this regard having the matter was adjourned to 11.04.2022.



4. Even on 11.04.2022, there was no representation for the plaintiff either in person or through counsel and further it was stated that notice sent to the plaintiff as well as the plaintiff's counsel in the address given in the plaint was returned as "no such person" and hence, the Registry was directed to list the matter on 21.04.2022 under the caption "for dismissal".

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

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

Sd./-V.B.S.J.
21.04.2022

//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.