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A.Nos. 4334 & 4335 of 2022

IN

O.P.No. 428 of 2021

C.V.KARTHIKEYAN, J.,

These two applications have been filed consequent to the death of the fourth petitioner Kumar on 02.05.2021. His legal representatives are already on record as fifth to seventh petitioners. As a matter of fact, all of them, namely, fourth to seventh petitioners had been impleaded as legal representatives of the deceased first petitioner Vijayakumari. However, that particular fact of the death of the fourth petitioner was not informed to the Court and on 07.07.2022, an order came to be passed in the main Original Petition granting Letters of Administration with Will annexed. Such grant has been in the face of the death of one of the petitioners and naturally, the said order would not survive as it is an order non est.

2. The present two applications have been filed to record the death of the fourth petitioner and to grant Letters of Administration to the fifth to seventh petitioners with respect to the share which had accrued to the first petitioner Vijayakumari as her surviving legal representatives.



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WEB COPY

vsg

3. A.No. 4334 of 2022 is allowed. The petitioner is directed to carry out necessary amendment in the main Original Petition indicating that the death of the fourth petitioner Kumar and also indicating that the fifth to seventh petitioners are his legal representatives.

4. Time for carrying out such amendment is till 14.10.2022. After such amendment is carried out, the matter may be listed before the Master on 19.10.2022 on which date, limited evidence with respect to the death of the fourth petitioner and producing his death certificate alone may be produced and marked as further document. After recording that evidence, the matter may be reverted back to this Court for the hearing on 27.10.2022.

5. In view of the said order, A.No. 4335 of 2022 has become otiose and orders can be passed in the main Original Petition only after carrying out aforementioned procedure as stated. A.No. 4335 of 2022 is closed.

vsg

27.09.2022

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