



A.No.5392 of 2022

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A.No.5392 of 2022
in
TOS.No.29 of 2017
G. CHANDRASEKHARAN, J.

Application No.5392 of 2022 is filed seeking direction to the Registry to return the documents filed along with TOS.No.29 of 2017 (O.P.No.772 of 2016) morefully described in the Judges summons.

2. The learned counsel for the applicant submitted that TOS.No.29 of 2017 was filed for probating the Last Will and Testament of the deceased Lucas Daniel.

3. Subsequently, the applicant was advised that it is not necessary to invoke the Testamentary jurisdiction of this Court. Therefore, he sought permission of this Court to withdraw TOS.No.29 of 2017 and this Court permitted to withdraw the TOS by its Order dated 10.12.2021.

4. Now, he requires Original Will dated 02.03.1993 executed by the deceased Lucas Daniel. He submitted that he may be permitted to get back the original Will after substituting it with a certified copy.



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5. Mr.R.Imayavarman, learned counsel for the defendants is present and submitted that he has no serious objection for allowing this application.

6. Considered the submissions of the learned counsel for both sides.

7. It is seen that an Order of this Court dated 10.12.2021 passed in TOS.No.29 of 2017 shows that the applicant was permitted to withdraw the suit and the Registry was directed to refund the Court fee. Now, the Original Will is no more required for any purpose.

8. In such circumstances, the Registry is directed to return the Original Will dated 02.03.1993 executed by deceased Lucas Daniel, after substituting it with a certified copy to be obtained by the applicant and produce the same to the Registry.

9. Accordingly, this application is ordered.

02.12.2022

gd

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