



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

TUESDAY, THE 14TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE A.A. NAKKIRAN

T.O.S.No. 6 of 2017

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

In the matter of Last Will and
Testament of P.N.Elumalai -
Deceased.

V. Varadarajan @ Varadarajulu,
Son of M. Venugopal,
2/17, Subramania Samy Nagar,
Valasaravakkam,
Chennai - 600 087.

... Petitioner / Plaintiff

-Vs-

E. Soundaravalli,
W/o. Late. P.N. Elumalai,
Old Door No.56, New Door No.117,
3rd Street, A.K. Samy Nagar,
Kilpauk, Chennai - 600 010.

... Caveator / Defendant

Testamentary Original Suit praying that this Hon'ble Court be pleased
to allow the petitioner to prove the Last Will and Testament of the deceased
P.N.Elumalai dated 21.10.2011 in common form and that probate thereof to
have effect limited to the State of Tamil Nadu 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.P.Rajkumar Pandian, Advocate for the Plaintiff herein and Mr.K.Hariharan, Advocate for the defendant herein and upon reading the petition filed herein and the learned counsel for the plaintiff having made an endorsement on the petition stating that "Petitioner counsel may be permitted to withdraw the case", and this Court doth recording the same, to that effect, **It is ordered as follows :-**

That that T.O.S.No.6 of 2017 be and is hereby dismissed as "Settled out of Court".

2. That there shall be no costs.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 14TH DAY OF JUNE 2022.

Sd/-
JOINT REGISTRAR (O.S)

//Certified to be true copy//
Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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ED
23.06.2022

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T.O.S.No. 6 of 2017

ORDER

DATED : 14.06.2022

THE HON'BLE MR. JUSTICE
A.A. NAKKIRAN

FOR APPROVAL : 29.06.2022

APPROVED ON : 30.06.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.06.2022

CORAM :

THE HONOURABLE **MR. JUSTICE A.A.NAKKIRAN**

TOS.No. 6 of 2017

V. Varadarajan @ Varadarajulu

..Plaintiff

Versus

E.Soundaravalli

..Defendant

TOS numbered on conversion of O.P.No. 625 of 2016, filed under Sections 232 and 276 of Indian Succession Act, XXXIX of 1925 read with Order XXV Rule 4 of O.S.Rules, 1956, praying to grant Letters of Administration with Will annexed to his wife as the beneficiary under the WILL of the said deceased having effect throughout the State of Tamil Nadu.

For Plaintiff : Mr.P. Rajkumar Pandian

For Defendant : Mr.K. Hariharan



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JUDGEMENT

The learned counsel appearing for the plaintiff seeks permission of this Court to withdraw the Testamentary Original Suit and he has also made an endorsement to that effect.

2. Recording the endorsement made by the learned counsel appearing for the petitioner, this Testamentary Original Suit is dismissed as "Settled out of Court". No costs.

3. Registry is directed to refund of the Court Fee if any 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./- A.A.N.J.,
14/06/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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