



T.O.S No.33 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 08.09.2023

CORAM:

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

T.O.S.No.33 of 2009

(O.P No.762 of 2008)

R.Chathurbhuj

... Plaintiff

VS.

Anitha Shah

... Defendant

Prayer: Original Petition has been filed under Sections 222 and 276 of the Indian Succession Act r/w Order XXV Rule 4 of O.S Rules, praying for grant of probate in respect of last Will and Testatement of the deceased G.Ramdoss. Against this petition, Caveat and supporting affidavit were filed by the Caveator. As per order of this Court, the Original Petition No.762 of 2008 was converted into Testamentary Original Suit No.33 of 2009.



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A.A.NAKKIRAN,J.

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For Plaintiff : No Appearance

For Defendant : M/s.B.Harikrishnan

J U D G M E N T

When the matter was taken up for hearing on 17.08.2023, it was represented that the learned counsel for the plaintiff is no more and hence, this Court directed the Registry to remove the name of the plaintiff's counsel; print the name of the plaintiff and also issue notice to the plaintiff returnable by 31.08.2023. Even today (08.09.2023), the plaintiff is not appeared before this Court and the notice sent to the plaintiff was returned with an endorsement "no such person". Hence, the Testamentary Original Suit is dismissed for non-prosecution. No costs.

08.09.2023

Index : Yes/No
Speaking/Non-speaking order
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T.O.S.No.33 of 2009

2/2