



A.No.3070 of 2023 in

TOS.No.4 of 2007

R.N.MANJULA,J.

This application has been filed to permit the applicant / plaintiff to file the consent affidavits of (i) G.E.M.Pillai, S/o.Ganapathiya Pillai, Hindu, aged 73 years residing at 67B, Pallavan Nagar, 1st Main Salai, Maduravoyal, Tiruvallur – 600 095 (husband) (ii) E.Vani, W/o. Krishnamoorthy, Hindu, aged 48 years residing at New No.A-11, Water Tank Road, MMDA Colony, Arumbakkam, Chennai – 600 106 (Daughter) and (iii) E.Rajeswari, W/o.Venkatachalam, Hindu, aged 47 years residing at New No.A-11, Water Tank Road, MMDA Colony, Arumbakkam, Chennai – 600 106 (Daughter), legal heirs of Late C.Lakshmi.

2. The plaintiff had originally filed the original petition in O.P.No.698 of 2006 for grant of probate. Since the defendant has raised objection and filed caveat, the original petition got converted into TOS.No.4 of 2007. When the original petition was filed, one of the sisters of the plaintiff by name C.Lakshmi has filed consent affidavit and the same is marked as Ex.P9. But in the consent affidavit filed along with the original petition, there were some handwritten corrections and those corrections have been initialed by the said C.Lakshmi. However, when the clean copy is filed, the signature of C.Lakshmi did not appear. Therefore, in order to avoid the technical obligation, the plaintiff has



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filed this application to receive consent affidavits of the legal heirs of the deceased C.Lakshmi.

3. Since the said C.Lakshmi died on 01.09.2005, it is not possible to get a fresh affidavit from her. The legal heir certificate is produced to show that the deceased C.Lakshmi has got four legal heirs who are, her husband, two daughters and mother. The mother also died subsequently.

4. Now, this application contains consent affidavits given by the husband and the two daughters of the deceased C.Lakshmi. Since these affidavits have been filed to avoid any future technical difficulties, in the interest of justice, they are allowed to be received and then this application is allowed.

23.06.2023

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