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A.No.5553 of 2022

A.No.5553 of 2022
in
O.P. No.45 of 2020

SENTHILKUMAR RAMAMOORTHY, J

By this application, the applicant seeks to substitute himself as the petitioner in O.P.No.45 of 2020 in the place of the original petitioner, K.Canagarajah, who passed away on 27.02.2020.

2. At the last hearing, the applicant was directed to file an affidavit of service especially with regard to the service of notice to respondents 2, 3 and 5. The applicant has filed an affidavit of service dated 19.01.2023 enclosing copies of e-mail communications addressed to respondents 2, 3 and 5 and the responses received in relation thereto. All the respondents have admitted receipt of papers relating to this application and stated that they have no objection. Although the first respondent had appeared earlier in relation to the original petition, in spite of service of notice, the said first respondent has not appeared either in person or through counsel. In these circumstances, this application is proceeded with in the absence of the respondents.



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3. O.P.No.45 of 2020 was filed by K.Canagarajah in relation to the estate of his deceased wife, Sarada Canagarajah. The applicant asserts that K.Canagarajah died on 27.02.2020 and has produced a copy of the death certificate issued by the Government of Malaysia in such regard. In addition, the applicant has placed on record the probate granted by the High Court of Malaya at Kuala Lumpur on 11.06.2020 in respect of the last Will and testament of K.Canagarajah under which the immovable property of the wife of the testator and the bank accounts were vested with the applicant as trustee under the Will. On such basis, the present application is filed.

4. Upon examining the death certificate of the original petitioner, the last Will and testament executed by the original petitioner and the probate granted in such regard by the High Court of Malaya at Kuala Lumpur, this application is liable to be allowed. Accordingly, A.No.5553 of 2022 is allowed. The applicant shall carry out the consequential amendments in the petition on or before 03.02.2023. A copy of the amended petition shall be served on the respondents within one week thereafter.

List on 10.02.2023.

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20.01.2023



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