



WEB COPY



T.O.S.No.21 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

T.O.S.No.21 of 2017

M.R.Ganesan

... Plaintiff

Vs

M.R.Pachaiappan

... Defendant

Prayer: Complaint filed under Sections 232 and 276 of the Indian Succession Act XXXIX of 1925 for grant of Letters of Administration. Against this petition, a Caveat and supporting affidavit was filed on 20.03.2017 by the Caveator above named. As per order of Court, dated 13.07.2017 in O.P.No.638 of 2016 the Original Petition is directed to be converted into Testamentary Original Suit.

For Plaintiff : Mr.P.Amarnath

For Defendant : Mr.R.Sivakumar

JUDGMENT

The matter is caused to be listed before this Court in view of the endorsement made by the learned Additional Master IV, dated 20.03.2023 which is extracted hereunder:



T.O.S.No.21 of 2017

“The counsel for defendant is present. No representation for the plaintiff. Hence call the matter in the afternoon session. In the afternoon session also the witness on the side of plaintiff is not present and no representation for the plaintiff. Today the case stands posted for plaintiff side evidence. At 04.30 P.M. also no representation for the plaintiff. Hence Post Before the Court.”

2. Today when the matter is taken up, the learned counsel for the plaintiff submitted that the plaintiff and the defendant appear to have settled the matter between themselves, and that despite repeated notices sent to the plaintiff, there is no response. Hence he reported no instruction.

3. In view of the above, the Testamentary Original Suit is dismissed for default. No costs.

09.06.2023

Index: Yes/No
Speaking order/Non speaking order
vum



WEB COPY



T.O.S.No.21 of 2017

R.N.MANJULA,J.

vum

T.O.S.No.21 of 2017

09.06.2023