



C.M.A.No.2778 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.No.2778 of 2018

and

C.M.P.No.21369 of 2018

Veronica

... Appellant/Petitioner

Vs.

Pathi Anthony

... Respondent/Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 237 of Indian Succession Act r/w. Order 43 Rule 1 of C.P.C to set aside the Judgement and Decree dated 06.09.2018 made in Probate O.P.No.08 of 2009 on the file of the Principal District Judge, Vellore.

For Appellant : Mr.V.Parivallal

For Respondent : No appearance

JUDGEMENT

This Civil Miscellaneous Appeal is filed to set aside the Judgement and Decree dated 06.09.2018 made in Probate O.P.No.08 of 2009 on the file of the Principal District Judge, Vellore.



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2. The learned counsel for the appellant submits that since there is no necessity / requirement to probate the Will of a Christian as per the Indian Succession Act, 1925, this Court may dismiss the appeal as infructuous.

3. Though the name of the respondent was printed in the cause list none appeared on their behalf.

4. In view of the submission made by the learned counsel for the appellant, this Civil Miscellaneous Appeal is dismissed as infructuous with liberty to the appellant to canvass all his grievances before the Civil Court. However, the Civil Court is directed to decide the issue without interfering with any of the observation made in the probate O.P. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order / Nonspeaking order

Netrual Citation Case : Yes / No

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To

1. Principal District Court, Vellore
2. The Section Officer, V.R.Section, High Court, Madras.



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M.DHANDAPANI, J.

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