



TOS.No.9 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

TOS.No.9 of 2023
(O.P No.234 of 2022)

Shareen Premanayagam

... Plaintiff

Vs

1.Ramesh P.Rao
2.Ishaan Pejavar Rao
3.Nandan Pejavar Rao

... Defendants

Prayer: Testamentary Original Suit filed under Sections 232 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules 1956, prays that the plaintiff may be allowed to prove the Will in common form and that probate thereof, to have effect limited to the State of Tamil Nadu, may be granted to her.

For Plaintiff : Mr.Harikrishnan

For Defendants

For D1 : M/s.Aiyar & Dolia

For D2 : Mr.S.R.Raghunathan

For D3 : Mr.B.Aravind Srivatsa



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J U D G M E N T

Mr.Harikrishnan, learned counsel for the plaintiff submitted that he has instructions to file change of vakalat on behalf of the plaintiff and hence, he seeks time in this regard. The said request is rejected.

2.An order was passed as early as on 28.06.2024, making it abundantly clear that if the deficit Court fee of Rs.1,02,98,452.50/- is not paid on or before 26.07.2024, the Testamentary Original Suit will be dismissed in terms of the provisions of Order VII Rule 11 of Code of Civil Procedure.

3.Admittedly, the deficit Court fee of said amount has not been paid as on date, much less in compliance with the order dated 28.06.2024.

4.In view of the same, the Testamentary Original Suit is dismissed.
There shall be no order as to costs.

29.07.2024

Index : Yes/No
Speaking/Non-speaking order

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P.B.BALAJI,J.

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