



O.S.A.No.225 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P. DHANABAL

O.S.A.No.225 of 2022

1.Smitha Arons
2.Shruti Reddy
Represented by their Power of Attorney Agent
Promod Ranjan
Having office at Paramount Plaza
Third Floor, 37, Mahatma Gandhi Road,
Nungambakkam, Chennai – 34.

... Appellant

Vs.

1.P.Viresh Reddy
2.P.Vishal Reddy
3.P.Chenga Reddy
4.Varanasi Soumini Reddy
5.Yerrabolu Venkata Seshamma
6.The Sub-Registrar, Joint-II,
Thousand Lights,
268, Bharathi Salai,
Express Estate, Royapettah,
Chennai – 600 014,
Tamil Nadu.

... Respondents



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Original Side Appeal filed under Order XXXVI Rule 1 of Original Side Rules and Clause 15 of the Letters Patent against the order and decree dated 23.02.2022 in A.No.2503 of 2021 in C.S.No.175 of 2021 on the file of this Court.

For Appellants : Mr.T.Sri Krishna Bhagavat
For R1 and R2 : Mr.Darshit B. Jain
for Mr.Richardson Wilson
For R6 : Mr.T.Arun Kumar
Additional Government Pleader

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Court, by judgment dated 14.11.2024, has already allowed the connected Appeal in O.S.A.No.57 of 2024 which was against the judgment and decree in C.S.No.175 of 2021. The judgment and decree in C.S.No.175 of 2021 is following the order rejecting the plaint in A.No.2503 of 2021 in C.S.No.175 of 2021, which is impugned in this Appeal. In the connected appeal, we have held that rejection of plaint under Order VII Rule 11 of CPC is unsustainable on the ground that Section 213 of Indian Succession



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Act does not bar the institution of the suit.

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2.In such circumstances, this Court, in tune with the judgment we have already passed in the connected Appeal in O.S.A.No.57 of 2024, allow this Original Side Appeal and set aside the order of the learned Single Judge dated 23.02.2022 made in A.No.2503 of 2012 in C.S.No.175 of 2021. Consequently, the suit shall stand restored on file. No costs.

(S.S.S.R., J.) (P.D.B., J.)
20.11.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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