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A NO. 1411 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-03-2025

CORAM

THE HONOURABLE MR JUSTICE K.KUMARESH BABU

A NO. 1411 of 2025 in O.P.No.373 of 2022

P.Mohana and 2 Others
W/o.Subramanyan, D/o.T.M.Poruran, No.1,
Guruvappa Garden, Old Washermenpet, Chennai -
600 021. and 2 Others

Applicant(s)

Vs

M.Girija and 3 Others
W/o.Mohammed, No.70, Thalayari Street, Alathur,
Thiruporur, Kancheepuram - 603 110. and 3
Others

Respondent(s)

For Applicant(s):

M/s.Vijayakumari Natarajan

For Respondent(s):

ORDER

The present application had been filed seeking to take substituted service in respect of respondents 1, 2 and 4 through paper publication in the O.P.No.373 of 2022.

2. Summons that are sought to be served by this Court had been returned as against them as “not available/not residing” in respect of R1, R2 & R4. With regard to R3, it has been returned with an endorsement “died”.



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3. In such view of the matter, it is the case of the applicants that the petition mentioned address as regards the respondents 1 to 4 are last known address.

4. Considering the averments made in the affidavit filed in support of this application and having been satisfied with the reasons stated therein, the application in A.No.1411 of 2025 in O.P.No.373 of 2022 is ordered as prayed for.

5. It is further noted that the notice on the third respondent had been returned unserved as died. When a query was raised, it is the case of the learned counsel for the petitioners that they have given up the third respondent as she had been inadvertently added as a respondent in the original petition.

6. This Court is unable to comprehend such a claim when a party has been shown in the testamentary proceedings to be a kith and kin of the deceased, such party cannot be given up by the petitioner at any stage of the proceedings. Hence, the petitioner is also directed to take out necessary steps



to bring on record the necessary legal heirs of the deceased third respondent.

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7. List the original petitioner after service.

19-03-2025

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To

1. M.Girija and 3 Others

W/o.Mohammed,

No.70, Thalayari Street,

Alathur, Thiruporur,

Kancheepuram - 603 110.

2. V.Vijaya

W/o.Veeramani,

No.46, Mettu Street,

Kundrathur, Chennai - 600 069.

3. P.Patturoja

W/o.Poruran,

No.1/47, Main Road,

Ennangudi Post, Puttagaram,

Nagapattinam - 609 701.

4. Navaneethammal

W/o.R.M.Raji Mudalior,

No.70, Thengoor Selva Vinayagar Koil Street,

Mylapore, Chennai - 600 004.