



A.No.2329 of 2025
and
T.O.S. No. 52 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE C.V.KARTHIKEYAN

A.No.2329 of 2025
and T.O.S. No. 52 of 2024

M.Hari Krishnan

... Applicant

Vs.

M.Kalyani

... Respondent

For Applicant : M/s.S.Bharathi

ORDER

This application has been filed to restore T.O.S. No. 52 of 2024.

2. It is contended that originally O.P. No. 630 of 2023 had been filed in which there were two respondents. When the matter was converted into Testamentary and Original Suit, the first respondent alone was reflected as defendant. An application was then filed by the second respondent seeking to implead as a second defendant in the Testamentary and Original Suit and that application was allowed.

3. The learned counsel for the plaintiff had an obligation to carry



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out the necessary amendment in the cause title. Since that was not done, the Testamentary and Original Suit was dismissed for non-prosecution. It would only be appropriate that the Will, which is projected, is permitted to be proved in the manner known to law and an opportunity must be granted for that purpose.

4. Taking that view into consideration, the dismissal of the TOS No. 52 of 2024 by order dated 13.03.2025 is set aside and the TOS No. 52 of 2024 is restored to file.

5. The learned counsel for the plaintiff is granted time till 01.07.2025 to carry out necessary amendment in the cause list.

6. List once again on 07.07.2025.

11.06.2025

Maya



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C.V.KARTHIKEYAN, J.

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