

A.No.2528 of 2019
in TOS No.31 of 2013

R.SUBRAMANIAN.J.,

This application has been filed to set aside the order dated 30.01.2019, dismissing the suit for default.

2. Mr.S.Manohar, learned counsel appearing for the 1st defendant has no objection for the suit being restored. Mr.Basheer Ahmed, learned counsel appearing for the defendants 2 to 4 would submit that he already given change of vakalat on 05.04.2019, after informing the defendants 2 to 4 that the case is coming up today. Despite the said facts, defendants 2 to 4 have not engaged any other counsel. Hence this application is allowed and the suit is restored.

3. It is stated that in Application No.595 of 2016, the Commissioner was appointed to take the Will in question for forensic examination. Now that the suit is restored, the Commissioner shall take steps to have the will examined by Forensic Experts. The learned counsel for the plaintiff shall notify the Commissioner about the restoration of the suit and inform him to take further steps.

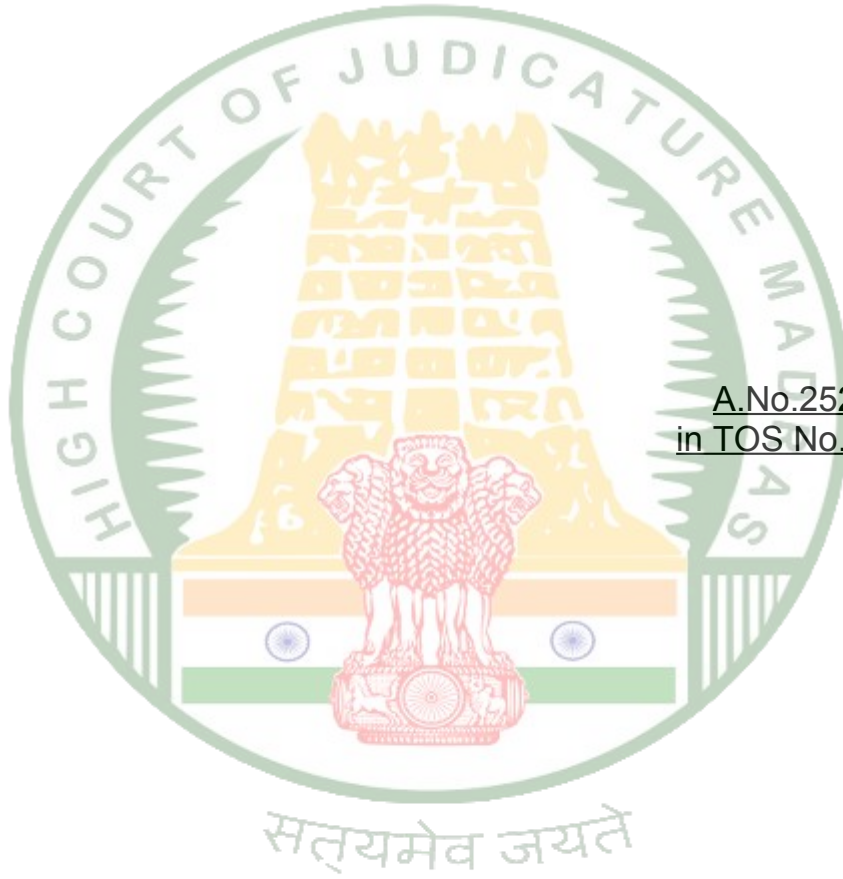
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