

A.No.2455 of 2021
in
TOS.No.5 of 2021

R.SUBRAMANIAN, J.

This application has been filed seeking 'De Bene Esse' examination of one of the attestors of the Will, which is subject matter of the Testamentary Original Suit.

2.Considering the fact that the witness is 82 years old, the learned counsel for the respondent has no serious objection for examination of the witness De Bene Esse. He would only reserve his right to question the said evidence during the course of the proceedings. Examination De Bene Esse of the evidence does not amount to acceptance of the evidence. Hence, this application is allowed, the witness of Mr.G.R.Viswanathan is required to appear before the learned Additional Master - I on 11.08.2021. He shall file his proof affidavit on the same date and the documents, if any, should be marked. His cross-examination shall be completed by 25.08.2021. The evidence recorded will form part of the records.

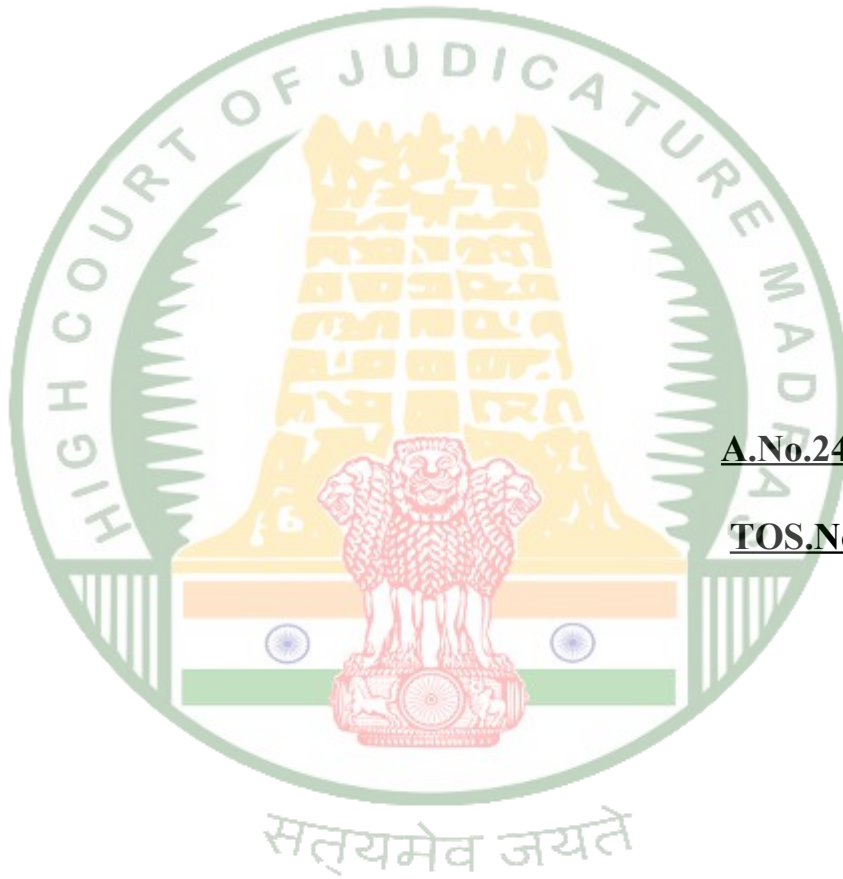
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