



WEB COPY

A.No.788 of 2022
in T.O.S.No.15 of 2019

V. BHAVANI SUBBAROYAN, J.

Application No.788 of 2022 has been filed to condone the delay of 848 days in filing the Written Statement in T.O.S.No.15 of 2019.

2.The second defendant submits that his father late M.Gopalaraman is the first respondent in O.P.No.488 of 2014. The respondent herein has filed the said petition seeking for an order granting Letters of Administration in respect of an alleged Will dated 05.12.1997 executed by his grandmother Andamma @ Rajam Muthukrishnan. Further that his father late M.Gopalaramana had objected the said petition by filing a caveat on 08.10.2014, but the same could not be perused as his father passed away in the meantime. After his death, being his legal heirs, they have been impleaded as respondent Nos.11 to 13. Thereafter, they had filed caveat with affidavit of supporting caveat along with an application to condone the delay in filing the same in Application No.5311 of 2017 and the said application was allowed by this Court vide order dated 07.02.2019, the delay was condoned, and the Original Petition was converted into Testamentary Original Suit in T.O.S.No.15 of 2019.

3.The second defendant further submits that summons dated 28.06.2019 has been served on his counsel only on 18.07.2019 and thereafter, the suit was not listed. Within few months from the date of service of summon the pandemic broke out.



WEB COPY



V. BHAVANI SUBBAROYAN, J.

Pam

Owing to Covid pandemic and resultant lockdown, he was unable to instruct his counsel and file the Written Statement. In such circumstances, the suit was listed only on 17.02.2022.

4.Learned counsel for the respondents have serious objection in allowing this application.

5.Considering the submission made by the learned counsel for the applicant, this Court is inclined to allow this application. Accordingly, this application is allowed only on payment of cost of Rs.10,000/- to be paid to the Advocate Clerks Association on or before 08.03.2022, failing which the application would be stand dismissed automatically without any further reference to this Court.

6."For Reporting Compliance", post the matter on 10.03.2022.

03.03.2022

pam

A.No.788 of 2022
in T.O.S.No.15 of 2019