



A.No.2915 of 20

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in
O.P.No.177 of 2020

C.V.KARTHIKEYAN,J.,

This application has been filed seeking to condone the delay of 242 days in filing application seeking to revoke the order dated 07.09.2021 in O.P.No.177/2020 by which the order, Letters of Administration was granted to the petitioner in O.P.No.177/2020, relating to a Will dated 26.09.1996 executed by S.K.Subbiah Pillai, who died on 05.04.1983.

2. A learned single Judge of this Court, after considering the evidence presented, had granted Letters of Administration as aforesaid by an order dated 07.09.2021.

3. Registry has however put a note stating that since the sole respondent had died, the petitioner had filed an Application in A.No.2166 of 2020 to implead the present applicant, Balasubramaniyan as the 2nd respondent. That application was ordered by the learned Master on 02.11.2020.

4. Even as early as on 15.10.2020, the application had been filed seeking to revoke the Letters of Administration. It is also stated that notices had not been served on the present petitioner.



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5. In the affidavit filed, to explain the delay in filing application to revoke the Letters of Administration, it had been stated that he had filed application on 06.06.2022, as soon as the order passed in the Original Petition came to the knowledge. However, the registry had insisted on filing application to condone the delay. It was stated that owing to the persistent pandemic, the applicant was not able to come to Chennai and contact the counsel and give instructions.

6. At any rate, since it is only appropriate that the Will is proved in manner known to law, I would condone the delay by allowing this particular application.

7. The application is allowed. Registry may proceed to number the application seeking to revoke the Letters of Administration, if it is otherwise in order.

30.11.2022

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