



A.No.3056 of 2022
in
O.P.(SR).No.73498 of 2022

C.V.KARTHIKEYAN, J.

This petition is not maintainable.

2. The issue of proof of the Will will arise only during the course of propounding the Will and putting it to test in normal manner.

3. At that stage, if the attestors are not available, then the procedure under Order 16 Rule 10 CPC will have to be followed before proceeding to Section 69 of the Indian Evidence Act, 1872. Without following such procedure it cannot be assumed or presumed that the attestors are not available.

4. It is the specific case of the learned counsel for the petitioner that in this instant case, the attestor sare not available. That fact should be established in manner known to law before the Court.

5.The petition suffers from maintainability and the same is dismissed.

6. O.P.(SR).No.73498 of 2022 is forwarded back to the registry and the learned counsel may commence conversations with the registry officials to number the same.

13.09.2022

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