



A.No.4714 of 2022
in TOS No.51 of 2013

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G.CHANDRASEKHARAN.,J

This application is filed to condone the delay in filing the written statement in T.O.S.No.51 of 2013.

2. It is submitted by the learned counsel for the Applicant that the learned counsel for the plaintiff served the Will on 26.12.2021 and that, he was not aware of the Will alleged to have been executed by his father Late Chandrasekaran on 18.02.1998. An application was also filed in CS No.42 of 2004 for partition of the property before this Court. It is further submitted by the learned counsel for applicant that the Will in question is a forged and fabricated one and applicant received a notice on 06.03.2018 and not the copy of the Will and therefore, there is a delay in filing the written statement. In line with the defence taken that the Will is a forged one, it is imperative that he has to file written statement.

3. The learned counsel for respondent opposed this application on the ground that the delay is huge and that notice was served on the respondent even in the OP itself however, considering the fact that this is a testamentary suit seeking grant



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of letters of administration in respect of impugned Will alleged to have been executed by the deceased Chandrasekaran and the specific plea taken by the defendant / applicant that the Will is a forged one, this Court considers that the delay may be condoned subject to payment of costs. Thus, this application is allowed on payment of costs of Rs.2,000/- to the respondent. Failing payment, this application shall stand automatically dismissed without any further reference to this Court.

08.11.2022

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