



A.Nos.4832 to 3940 of 2022
in
O.P.No.734 of 2000

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C.V.KARTHIKEYAN, J.

These applications have been filed consequent to the death of the 3rd, 6th and 15th respondents in the Original Petition.

2. The Original Petition is now pending for nearly more than two decades. It had been filed seeking Letters of Administration with Will annexed relating to the Will executed by Tmt.P.Annakili Ammal, who died on 04.01.1999. It is claimed that she had executed a Will dated 23.03.1990, which had been registered as Document No.22/1990 in the Office of the Sub Registrar at Royapuram.

3. There were originally 15 respondents in the Original Petition. They had all been served. The 15th respondent alone had contested. Evidence had also been adduced. The matter was at the stage of arguments. The Original Petition was earlier dismissed and restored and it has been meandering around without any effective progress. Now, the 3rd, 6th and 15th respondents have died.

4. These applications have been filed with considerable delay to condone the delay in filing application to set aside the abatement and to bring on record the legal representatives and to set aside the abatement.



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C.V.KARTHIKEYAN, J.

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5. Taking a view that the Original Petition has been filed seeking Letters of Administration particularly with Will annexed, and it would only be appropriate that the Court focuses its attention on the proof or otherwise of the Will and not on other incidental aspects, I would condone the delay in the filing of all the above applications, set aside the abatement and bring on record the legal representatives as mentioned in the respective petitions.

6. I am informed that notice had been directed even in the applications and notice had been served except for two of the respondents. But however I would take care to ensure their presence by directing notice to the Original Petition once again.

7. In view of the above reasoning, all the applications stand allowed.

28.11.2022
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