



A.No.1514 of 2023
in O.P.No.28 of 2022

K.KUMARESH BABU,J.

This application has been filed seeking to discharge the caveats filed by the respondents 4 to 6 under provisions of Order XIV Rule 8 r/w. Order XXV Rule 54 of the Original Side Rules, 1956.

2.Under provisions of Order XXV Rule 54 an order of discharge the caveats could be made if the caveator fails to file any affidavit in support of his caveat filed in compliance with Rule 52 and 53 of Order XXV no other grounds have been indicated for ordering discharge of caveat. Further by order dated 28.02.2023, this Court recording the filing of caveat and the supporting affidavit filed by the caveator, had directed the Registry to take out appropriate steps to convert the petition into a Testamentary Suit. The above said exercise was directed to be completed within a maximum period of two weeks. However, within the said period, the present application seeking discharge of the caveat had been moved by the petitioners.

3.As I have already indicated that a discharge of caveat could be ordered only when a supporting affidavit is not filed, whereas in the present case, the supporting affidavit has already been filed. In fine, the present application is dismissed.



K.KUMARESH BABU,J.

Gba

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(1/2) 14.03.2023