



Application No.4589 of 2023

in

O.P.No.486 of 2023

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N.SATHISH KUMAR.J.,

This application has been filed seeking to stay the trial and any other proceedings in O.S.No.534 of 2020 on the file of the XVIII Assistant Judge, City Civil Court, Chennai, till the disposal of Original Petition in O.P.No.486 of 2023 on the file of this court.

2.Admittedly, the father of the applicant was made as a defendant in the above-said suit. He had been contesting the said suit by filing written statement. Nothing had been whispered in the written statement filed by the father of the applicant about the will said to have been executed by him. During the pendency of the said suit, the 1st defendant died. After the death of the 1st defendant in the suit, the original petition in O.P.No.486 of 2023 has been filed seeking letters of administration with Will as if the father of the applicant had left a Will in 1998 bequeathing the vacant landed property in Virugambakkam village in favour of the applicant herein. The testator of the Will was a party to the suit proceedings, however, he had not disclosed anything about the Will executed by him. This would only probabalise the contention of the 3rd respondent that the Will in



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question came into existence in some other circumstances. In such view of the matter, this court is of the view that no prima facie case has been made out by the applicant to stay the suit proceedings in O.S.No.534 of 2020 on he file of the XVIII Assistant Judge, City Civil Court, Chennai. The application thus fails and the same is liable only to be dismissed.

In the result, the Application is dismissed.

12..10..2023

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