



A.No.6778 of 2023

in E.P.No.511 of 2008

N.SATHISH KUMAR, J.

This application has been filed to grant extension of time to vacate and handover the premises.

2. When the matter came up before this Court challenging the orders of the learned Master, refusing to recall the warrant, in A.Nos.172 and 173 of 2021; on the basis of undertaking given before this Court by the learned counsel for the applicant, time is granted to the petitioner to vacate and handover the vacant possession on or before 31.12.2023.

3. Now, there are 16 tenants. This Court has already directed the Registry to issue warrant in respect of other tenants. It appears that other tenants were vacated by the Bailiff, pursuant to the Order of this Court, however, the applicant has not vacated.

4. Now, the application is taken out by the applicant on the ground that the will, based on which the Letters of Administration granted is forged. In this regard, he has obtained opinion of the expert letter. Therefore, he seeks extension of time.

5. This Court on perusal of the entire allegations by a third party/applicant with regard to the will is concerned, though, it is stated that they have obtained some report from private individuals, this Court is not in



a position to accept such report at this stage. This matter has reached up to the Hon'ble Supreme Court in S.L.P.Nos.9300-9301 of 2020 and all the attempts made by the third parties, not accepted and orders granting Letters of Administration had reached finality and other tenants have also been evicted. At this stage, this application has come up on novel ground of fraud.

6. When the matter has reached finality, this Court is of the view that if this application is allowed by this Court, there will not be any end for the successful parties. Such view of the matter, this Court is not inclined to extend the time already granted by this Court, taking note of the various proceedings and the matter has reached up to the Hon'ble Supreme Court, wherein, the applicant is already a party to the suit and he has taken all the defence, in fact, the alleged lease deed is also found to be forged.

7. Such view of the matter, at this stage, the petitioner being a third party to the will cannot challenge the will. Accordingly, I do not find any merits in the case and this application stands dismissed. No costs.

20.12.2023

dhk



WEB COPY



N.SATHISH KUMAR, J.

dhk

A.No.6778 of 2023
in E.P.No.511 of 2008

20.12.2023