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A.No.2847 of 2024
in TOS.No.13 of 2018

P.B.BALAJI, J.

This application has been filed to set aside the exparte order dated 07.02.2024 in TOS.No.13 of 2018.

2.Considering the fact that the delay in filing the application to set aside the exparte has already been condoned and written statement of the defendant has also been received and in view of the fact that the matter has already been listed before the Additional Master II for recording of evidence and examination of P.W.1 as well as one of the attesting witness, P.W.2 has already been completed in part (chief examination), I feel that an opportunity should be given to the defendant to contest the Will on merits. No serious prejudice would be caused to the respondent/plaintiff if the application is ordered. However, at the same time, considering the fact that the delay on the part of the applicant/defendant has consumed more than two years as on date. It is a fit case where suitable directions to be issued for cross-examination of P.W.1 and P.W.2 within the specific time frames.

3.In view of the above, this application is allowed. The defendant shall cross-examine P.W.1 and P.W.2 and complete the cross-examination on or

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before 14.08.2024. The defendant's evidence shall be commenced on 19.08.2024 and complete the same on or before 30.08.2024.

4.Post the matter before this Court on 09.09.2024 for arguments.

19.07.2024

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