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CRP(PD).No.2433 of 2024

**CRP(PD).No.2433 of 2024**  
**and**  
**CMP.No.18901 of 2025**

**P.B.BALAJI, J.**

The matter is listed under the caption 'for being mentioned' today.

2. CMP No.18901 of 2025 has been taken out for extension of time.

By an order of this Court dated 05.08.2025 noticing the report of the learned Principal District Judge, Salem seeking further three months time on 05.08.2025, this Court extended the time by a period of four months. It was also made clear that Interlocutory applications that are filed shall be disposed of within a period of four weeks and thereafter the main petition shall be disposed of within a period of three months.

3. Now mention has been made at the request of the learned counsel for the petitioner in CMP.No.18901 of 2025, stating that he has already taken out an application for production of certain documents from the respondent and is also intending to take out an application for comparing the admitted left thumb impression of the testator Angappa Chetty. He would therefore



CRP(PD).No.2433 of 2024

seek for necessary observations being made in the order dated 05.08.2025.

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4. The learned counsel for the respondent has strongly objected to the said request made by the learned counsel for the petitioner stating that already time was granted by this Court directing the Principal District Judge, Salem to dispose of the case in O.P.No.186 of 2021 within a period of six months and again at the request of the learned Principal District Judge, Salem further four months time is granted by the order of this Court dated 05.08.2025. The above application filed by the petitioner has already been returned as not maintainable and therefore the attempt is only to protract the proceedings and further extension should not be granted and no observations need be made, according to the counsel for the respondent.

5. I have carefully considered the submissions advanced by the learned Counsel for the petitioner and the learned counsel for the respondent.

6. The respondent claims under the Will dated 26.03.1999, which is an unregistered Will. In the said Will Angappa Chetty has signed in all the pages of the said Will in English vernacular language. However, the Will



CRP(PD).No.2433 of 2024

WEB COPY

under which the petitioner claims, in a later Will dated 02.04.1999 of Angappa Chetty where he has affixed his left thumb impression and not his signature.

7. The fact remains that both the parties are claiming under different Wills and Court is having a duty to ascertain which is the last Will of the testator, Angappa Chetty.

8. In view of the above, I am of the considered opinion that a fair opportunity ought to be granted to the petitioner to establish the same. Therefore, while retaining the directions regarding disposal of the Original Petition on merits, as indicated in the order dated 05.08.2025, it is made clear that if any application is taken out by the petitioner within a period of one week from the date of receipt of a copy of this order, seeking comparison of signature / left thumb impression with admitted signature / left thumb impression, the said application shall be disposed of, within a period of 15 days, after giving an opportunity to the respondent, to file counter and thereafter the main original petition shall be disposed of as indicated within a period of four months.



CRP(PD).No.2433 of 2024

WEB COPY

9. Registry is directed to add the aforesaid portion of the order in the order dated 05.08.2025 and issue fresh order copy to the parties.

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20.08.2025



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*CRP(PD).No.2433 of 2024*

**P.B.BALAJI, J.**

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**CRP(PD).No.2433 of 2024**  
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20.08.2025