



Application No.4856 of 2024
in
O.P.No.155 of 2024

Dr.G.JAYACHANDRAN, J.

This Application is filed to discharge the caveat filed by the respondent in O.P.No.155 of 2024 on the ground that the caveat filed belatedly is in contravention of Order XXV, Rule 52 of the Original Side Rules.

2. The counter affidavit filed on behalf of respondents 4 to 6 states that the notice served to the respondents by the petitioner was not enclosed with the *Will* which is subject matter of the proceedings and therefore, the respondents called for the production of copy of the Will. On receipt of the copy of the will from the petitioner on 05.07.2024, caveat petition along with affidavit was filed in the Registry on 29.07.2024.

3. The Learned Counsel for the applicant/respondent submitted that the language employed in Order XXV, Rule 52 of the Original Side Rules, does not prescribe any time limit for filing caveat and the time limit of 8 days prescribes only for filing an affidavit followed by the Caveat.

4. This Court agrees with the submission made by the Learned Counsels. Hence, this application to discharge the caveat stands dismissed.

5. In view of the Caveat filed by the respondents, the Registry is directed to convert the petition into T.O.S and proceed.

03.12.2024



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