



WEB COPY



A.No.2913 of 2024

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in O.P.No.486 of 2023

C.V.KARTHIKEYAN, J.

This Application has been filed seeking to condone the delay of 43 days in filing an affidavit in support of the caveat which had been filed by the third respondent in the Original Petition.

2.The third respondent is the widow of a predeceased son of the testator. She has been ousted from any share in the property which had been bequeathed to the petitioner and the second respondent. The relationship among the parties is that the petitioner is the son of the testator, the first respondent is the wife, the second respondent is the daughter and the third respondent is the widow of the predeceased son.

3.It is contended by the learned counsel that this petitioner, the widow of the predeceased son, had earlier filed O.S.No.534 of 2020 which is now pending before the learned XVIII Assistant Judge, City Civil Court, Chennai, wherein she had claimed partition of the property which has been bequeathed under the Will. In that particular suit, the petitioner and the first and second respondents herein who were the defendants, had entered



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appearance and had not disclosed about the Will which according to them is dated 06.11.1998. Suppression of a material fact amounts to fraud.

4.On that one ground itself, the affidavit will have to be considered. This Application stands allowed and the delay is condoned.

12.07.2024

vkr

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