



A.Nos.2610 & 3479 of 2025 in
TOS.No.47 of 2024

C.V.KARTHIKEYAN, J.

These applications have been filed by the defendant in the suit seeking to condone the delay of 64 days in filing the written statement and to set aside the *exparte* order dated 18.03.2025 in the above Testamentary Original Suit.

2. In the affidavit filed in support of the Judges Summons, it had been stated that there were several documents which had to be collected and thereafter, the instructions had to be given to the learned counsel. The elder sister of the applicant was also not well. In view of all those reasons, there was a delay in giving instructions to the learned counsel and the consequential delay in filing the written statement.

3. Heard the learned counsel for the respondent / plaintiff.

4. The learned counsel for the respondent had contended that the delay has not been properly explained and it is the duty of the applicant to give necessary instructions to file the written statement.

5. Taking into consideration the fact that the plaintiff / respondent herein will have to prove the Will in the manner known to law and it would

C.V.KARTHIKEYAN, J.



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only be appropriate that the Will is proved in the presence of all the parties, these applications are allowed and the delay in filing the written statement is condoned and the *exparte* order dated 18.03.2025 is set aside.

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23.07.2025

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