

A.Nos.3027, 3028, 3029, 3040, 3041 and 3042 of 2025 in T.O.S No.58 of 2024

C.V.KARTHIKEYAN, J.

All these six applications have been filed consequent to the death of the 3rd defendant Mr.T.N.Chandrasekaran and the 6th defendant Mr.A.V.Murali.

2. Pending the suits, these applications have been filed to condone the delay of 190 days and 244 days respectively in filing the applications to set aside the abatement, to set aside the abatement and to bring on record the legal representatives.

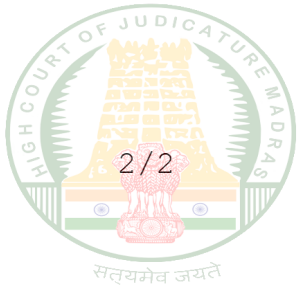
3. Mr.C.P.Sivamohan, learned counsel for the said defendants stated that the said defendants had also instituted independently two civil suits seeking partition, separate possession of the properties which are the subject matter. It is contended that owing to the death of the plaintiffs, the applications have been filed to bring on record the legal representatives who are now sought to be impleaded in the present suit. Therefore, it is contended that he would enter appearance on behalf of the legal representatives and notice may be dispensed with.

4. Taking into consideration the fact that in a Testamentary Original Suit, the Will must be proved in the manner known to law and an opportunity must be given to those who have caveatable interest to question the veracity of the Will, this Court is inclined to allow all these six applications to condone the delay, to set aside the abatement and bring on record the legal representatives, to provide an opportunity to participate in the proceedings.

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16.07.2025
(1/3)

C.V.KARTHIKEYAN, J



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