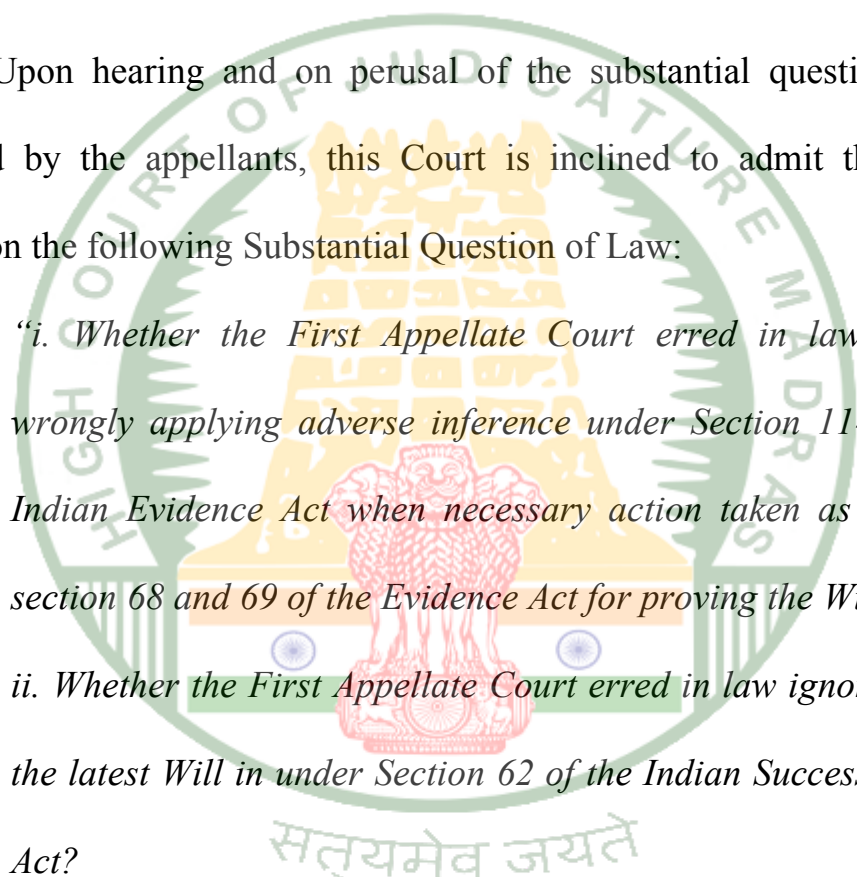


S.A.Nos.298 and 299 of 2021

KRISHNAN RAMASAMY, J.,

Heard Mr.V.Anandhamoorthy, learned counsel appearing for the appellants.

2.Upon hearing and on perusal of the substantial question of law proposed by the appellants, this Court is inclined to admit the Second Appeal on the following Substantial Question of Law:

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- i. Whether the First Appellate Court erred in law by wrongly applying adverse inference under Section 114 of Indian Evidence Act when necessary action taken as per section 68 and 69 of the Evidence Act for proving the Will?*
- ii. Whether the First Appellate Court erred in law ignoring the latest Will in under Section 62 of the Indian Succession Act?*
- iii. Whether the First Appellate Court failed to apply section 70 of the Indian Succession Act to read the Will together to find out the true intention of the Testator at his recent intention rather than old thought?*
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KRISHNAN RAMASAMY, J.

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iv. Whether the First Appellate Court have committed an error in disbelieving the genuineness of Ex.B2 (Will dated 02.03.2000) on the ground that the attesting witnesses were not examined, especially when the appellants have examined son of one of the attesting witness and proved the Will as per Section 69 of the Evidence Act, in view of the refusal of the another attesting witness to the Will despite service of summons?"

3.Notice.

26.03.2021

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S.A.Nos.298 and 299 of 2021