



T.O.S.No.46 of 2024

DR.R.N.MANJULA, J.

The records have been sent back to this Court in view of the following endorsement made by the learned Additional Master – II on 16.10.2025:

“ No representation at 1st calling Defendant counsel present at 02.20 p.m. and represented that the matter is already settled before III Additional District Court. Hence refer the matter before the court for clarification and without clarification he cannot cross examine P.W.1. Plaintiff counsel without clarification he cannot cross examine P.W.1. Plaintiff counsel present at 4 p.m. and represented that P.W.1 is very well present for marking of documents and document can be marked. In the absence of defendant counsel documents cannot be marked and the defendant counsel is not ready to cross P.W.1. Hence post before Court for clarification at request of defendant counsel.”

2. The learned counsel for the plaintiff submitted that when the Testamentary Original Suit was pending, in a connected Civil Suit, the parties have entered into a compromise and the suit has been decreed in terms of the compromise. One of the terms of the compromise is that the defendant agrees to pass a decree for probating the Will filed in this suit. In such case the defendant can file a consent affidavit before this Court to dispose the present suit.

3. The matter is ordered to be listed on 21.01.2026.

07.01.2026

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R.N.MANJULA, J

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