

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

O.S.A. No.86 of 2010

Y.S.Krishnamurthy

(Declared as Legal representative

of the deceased 1st respondent

vide order dt.30.08.2016 in MP.1/2011)

.. Appellant

-VS-

1.Y.S.Narayanamurthy (Died)

2.Y.K.Gurunathan

3.Y.K.Shankaran

4.Rama @ Kamatchi

.. Respondents

Appeal filed under Order 36 Rule 9 of O.S. Rules read with Clause 15 of the Letters Patent against the order dated 15.09.2009 made in Application No.4352 of 2003 in O.P.No.136 of 1975 on the file of original side of this Court.

For Appellant : Mr.R.Subramanian

For Respondents : Mr.K.V.Sundararajan
for RR 2 to 4

: R-1 died

* * * * *

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The grievance of the appellant is that the proceeds which he has realised by sale of property as Executor of the Will, in view of the reluctance of the respondents to accept the same, should be permitted to be deposited in Court, which request has been declined as per the impugned order.

2.The say of the learned counsel for respondents 2 to 4 is that the deposit may result in sanctifying the sale, which he seeks to dispute and there are various legal proceedings pending.

3.In view of the aforesaid position, it is agreed that the amount lying with the appellant be deposited in this Court to the extent of one-third share of respondents 2 to 4 within one (1) month from today, but that would in no manner prejudice the rights and claims of the said respondents in other proceedings, since the sale itself is sought to be questioned. The amount on being so deposited along with accrued interest up-to-date would be kept in a fixed deposit by the Registrar of the Court initially for a period of one year to be kept renewed till the disposal of the suit proceedings pending inter se the

parties and would abide by the result of those suit proceedings.

4.Original Side Appeal, accordingly, stands disposed of. No costs.

5.If all the concerned parties are willing to make an endeavour and some litigation fatigue has set in after 41 years, they are free to approach the Tamil Nadu Mediation and Conciliation Centre, Madras High Court Campus, as suggested by the learned counsel for the appellant.

6.Learned counsel for respondents 2 to 4 states that the Original Suit No.6271 of 1982 and I.A.No.12674 of 1985 are pending consideration before the learned XI Assistant Judge, City Civil Court, Chennai. It is not clear whether the suit was re-numbered after it was called to this Court and thereafter sent back (though learned counsel for respondents 2 to 4 states that it has been re-numbered as O.S.No.9789 of 2009). Be that as it may, the submission is that the suit being of vintage 1982 and only the issue of final decree pending, that hearing should be expedited.

7.We agree with the submission made and the suit be posted

before the learned XI Assistant Judge, City Civil Court, Chennai, for directions on 19.09.2016.

(S.K.K., CJ.) (R.M.D., J.)
30.08.2016

Index : Yes/No
Website : Yes/No

Note: A copy of the order be sent
to XI Assistant City Civil
Court, Chennai.

sra

To

The Sub Assistant Registrar,
Original Side, Madras High Court,
Chennai.

The Hon'ble Chief Justice
and
R.Mahadevan, J.

(sra)

O.S.A.No.86 of 2010

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