

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No. 570 of 2015

and

A.No. 6454 of 2015

Malathi Sripathi Rao

..Plaintiff

Vs.

1.P.Ishaan Rao
2.P.Nandan Rao
3.Dr. Nirmala Rao
4.Max Life Insurance Company Limited,
Rep. By its Deputy Manager,
5.Standard Chartered,
Rep. By its Mr.Bharat Thyagarajan,
6.State Bank of Travancore,
Rep. By its Manager,
P.B.No. 7826, United India Insurance Buildings,
Esplanade P.O., Chennai – 600 108.

..Defendants

Prayer: Complaint filed under Order VII Rule 1 of C.P.C. r/w Order IV Rule 1 of the Original Side Rules prays as follows:-

a) To declare that the plaintiff is Class – I legal heir of her deceased son Dr.P.Suresh Rao.

b) Consequently entitled to 1/3rd share in the two policies Nos. 343793857 and 429449721 in the 4th defendant and savings bank account with the 5th & 6th defendants accounts Nos. 42610007005 and 57035518511.

c) Mandatory injunction directing the defendants 4 to 6 to disburse 1/3rd share of the amount from the life policy and the savings bank account to the plaintiff.

d) To grant such other reliefs.

e) Cost of the suit.

For Plaintiff : Mr. J.Nandagopal

For Defendants : Mr. A.J.Jawad

ORDER

The suit is one for declaration that the plaintiff is Class – I heir of the deceased son Dr.P.Suresh Rao.

2. The defendants 1 and 2 are the sons of the deceased P.Suresh Rao. The 3rd defendant is the divorced wife. The defendants 4 to 6 have been impleaded as custody of certain monies belonging to the estate of the deceased is in their hands. The fact that the plaintiff is the mother of the deceased is not in dispute. The defendants 1 to 3 have filed memo admitting the fact that the mother of the deceased would be a Class – I heir is entitled to 1/3rd share in all the properties and monies that are lying with defendants 4 to 6 which form part of the estate of the deceased. In the said memo itself, it is stated that the defendants 4 to 6 may be directed to disburse the amount at 1/3rd each to the plaintiff and the defendants 1 and 2. The particulars of the Bank Accounts have been set out in the said memo.

2, In view of the said memo, the suit is decreed declaring that the plaintiff is the Class – I heir of the deceased P.Suresh Rao along with defendants 1 and 2. She is entitled to 1/3rd share in the deposits and amounts set out in the suit

schedule. There will be a mandatory injunction directing the defendants 4 to 6 to disburse the amounts at 1/3rd each to the plaintiff as well as defendants 1 and 2. The disbursement of the amounts of share on defendants 1 and 2 shall be made by depositing the same in the Bank Accounts as found in the memo filed today. No costs. Consequently, connected applications are closed as unnecessary.

30.08.2019

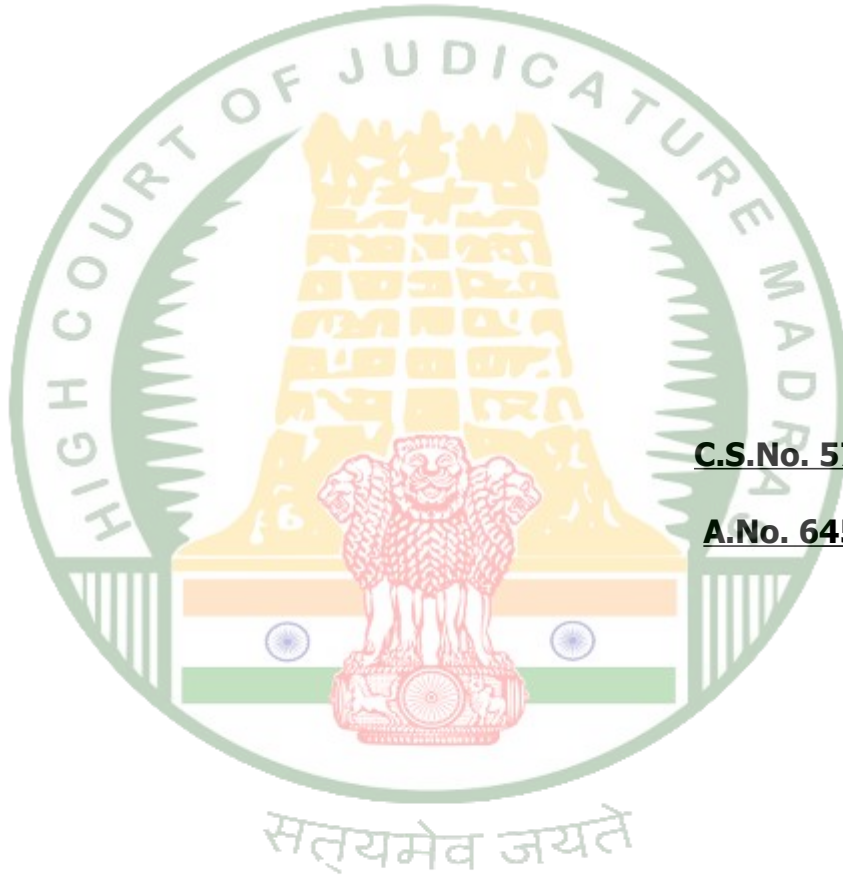
kkn



WEB COPY

R.SUBRAMANIAN, J.

kkn



C.S.No. 570 of 2015
and
A.No. 6454 of 2015

WEB COPY

30.08.2019