

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

TOS.No.31 of 2016

M.Muthuveerappan @ M.Somasundaram

... Plaintiff

-Vs-

1. M.Alagammal
2. M.Solai

... Defendants

TOS numbered on conversion of O.P. on caveat being filed by the respondents 3 and 4 in the O.P. and the Original Petition filed under Sections 222 and 276 of the Indian Succession Act XXXIX of 1925 for grant of Probate.

For Plaintiff : Mr.M.Christella

For Defendants : M/s.AL.Ganthimathi

JUDGMENT

O.P.1016 of 2015 was filed for grant of Probate with a Will annexed to the petition. Since a Caveat was filed by the respondents 3 & 4, the Original Petition was directed to be converted into TOS and numbered as TOS.No.31 of 2016.

2. Heard both sides.

3. The plaintiff and the defendants are present along with their respective counsels and it is represented by the learned counsel for the plaintiff as well as the learned counsel for the defendants that the dispute between the parties has been amicably settled and they have filed joint compromise Memo. The terms of Compromise Memo read as follows:-

"1.That the respondents Mrs.M.Alagammai and Miss.M.Solai do hereby affirm that the WILL executed by Mr.M.M.Muthuveerappan on 24.01.2001 is true and valid and they do hereby withdraw all their objections against the grant of Letters of Administration to Mr.M.Muthuveerappan the petitioner herein.

2. That the respondents Mrs.M.Alagammai and Miss.M.Solai have no rights to the Estate of M.M.Muthuveerappan and concede to his WILL dated 24.01.2001.

3. That out of love and affection that the Petitioner has for his brother's daughter Miss.M.Solai, hereby gifts a sum of Rs.17,50,000/- (Rupees Seventeen Lakhs and Fifty Thousand only) by way of cheque No.000202 dated 25.10.2019 drawn on Bank of Baroda, T.Nagar Branch, Chennai-17 and an equal sum of Rs.17,50,000/- (Rupees Seventeen Lakhs and Fifty Thousand Only) by way of Cheque No.000200 dated 25.10.2019 drawn on Bank of Baroda, T.Nagar Branch, Chennai-17 to her mother Mrs.M.Alagammai for meeting the marriage expenses of Miss.M.Solai.

4. In terms of the settlement, it is prayed that this Hon'ble Court may be pleased to pass a Decree granting Letters of Administration to the WILL dated 24.01.2001 to M.Muthuveerappan in T.O.S.No.31/2016."

3. In view of the above fact, the Testamentary Original Suit is ordered in terms of the Compromise Memo. The Compromise Memo shall form part of the decree.

KMI

31.10.2019



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TOS.No.31 of 2016

K.KALYANASUNDARAM, J

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TOS.No.31 of 2016

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31.10.2019