

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

TOS.No.38 of 2016

S.Saraswathi

... Plaintiff

1.K.Rajasekaran

2. Shanmugasundaram

... Defendants

TOS numbered on conversion of O.P. on caveat being filed in the O.P. and the Original Petition is filed under Sections 232 and 276 of the Indian Succession Act 1925 read with Order XXV Rule 5 of the Madras High Court Original Side Rules, praying for grant of Letters of Administration with Will dated 12.09.2005.

For Plaintiff : Mr.R.Manickavel
For Defendants : Mr.S.Vijay Anand

JUDGMENT

Today, the plaintiff and defendants along with their counsels are present before this Court. It is represented that the dispute between the parties have been settled and a joint memo of compromise, dated 25.11.2019 signed by both the parties and their counsel has been filed and the same is recorded. The terms of the joint memo of compromise reads as follows:

"The parties to the above suit jointly agree as follows:

i) The parties agree that the Will executed by the deceased K.Sivagnanam on 12.09.2005, registered as Doc.No.121 of 2005 at the S.R.O. Kodambakkam is genuine, true and duly executed by late K.Sivagnanam in sound and disposing state of mind.

ii) All the parties to the TOS have no objection for the grant of Letters of Administration with the Will dated 12.09.2005 to the plaintiff S.Saraswathi.

iii) All the parties jointly agree that under the Will, the suit property is bequeathed to the plaintiff S.Saraswathi and as such she is entitled to the suit property and she has become the sole and exclusive owner of the same.

iv) It is further agreed, by way of compromise, the suit property shall be disposed by way of sale by the plaintiff and the sale proceeds shall be distributed in the following manner:

- a) The plaintiff namely S.Saraswathi shall be entitled to one share.
- b) The 1st defendant namely K.Rajasekaran shall be entitled to half share.
- c) The 2nd defendant namely Shanmugasundaram shall be entitled to one share.
- d) The 3rd respondent in O.P. namely G.Vasanthi shall be entitled to one share.
- e) The 4th respondent in O.P. namely J.Vijayalakshmi shall be entitled to one share.
- f) The 5th respondent in O.P. namely J.Vasuki shall be entitled to one share.
- v) The parties shall register the compromise decree passed in terms of this joint compromise memo in accordance with the provisions of the Registration Act by paying the necessary stamp duty if required.

All the parties jointly pray that this Court may be pleased to pass a consent order, granting Letter of Administration of the Will dated 12.09.2005 annexed to the TOS by recording this compromise memo.

Schedule of the Property

All that house, ground and premises bearing No.35/4, New No.32, Azeez Nagar, 2nd Street, Kodambakkam, Chennai 600 024, comprised in R.S.No.6/2, New R.S.No.6/5, T.S.No.57, Block No.39 of Pulliyur Village, measuring an extent of 600 sq.ft. and bounded on the

*North by - property belonging to M.Nachimuthu;
South by - Azeez Nagar 2nd street;
East by - Property belonging to M.Nachimuthu;
West by - Property belonging to T.S.Krishnaswamy"*

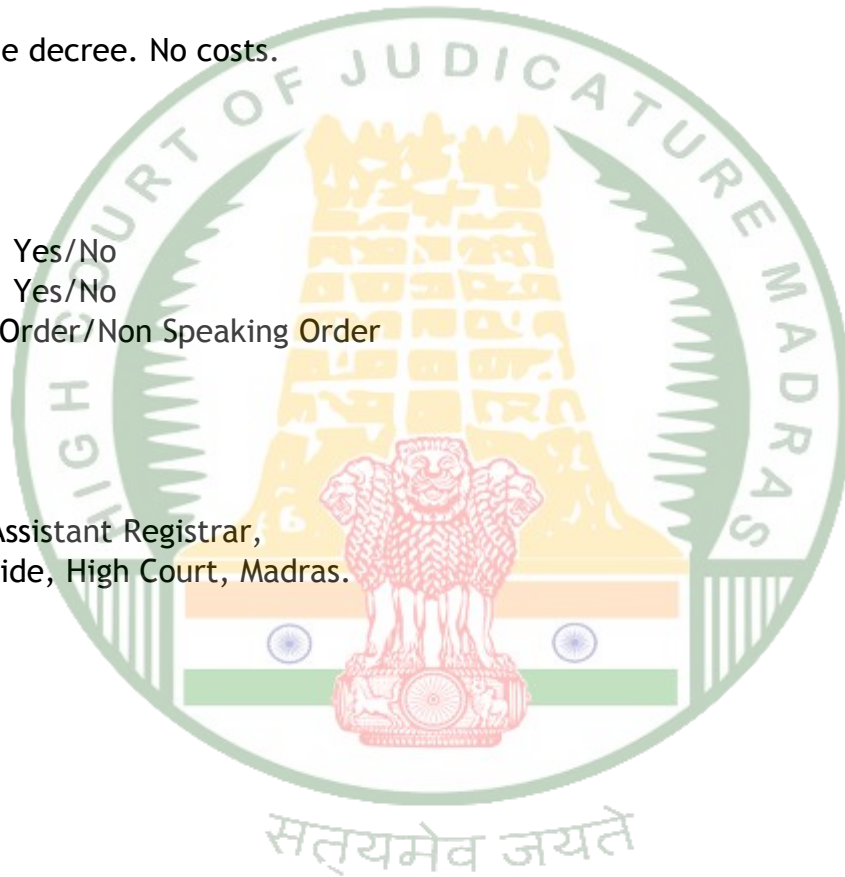
2. In view of the above, TOS is decreed in terms of the joint memo of compromise dated 25.11.2019. The joint memo of compromise shall form part of the decree. No costs.

27.11.2019

Index : Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order
pvs

To

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

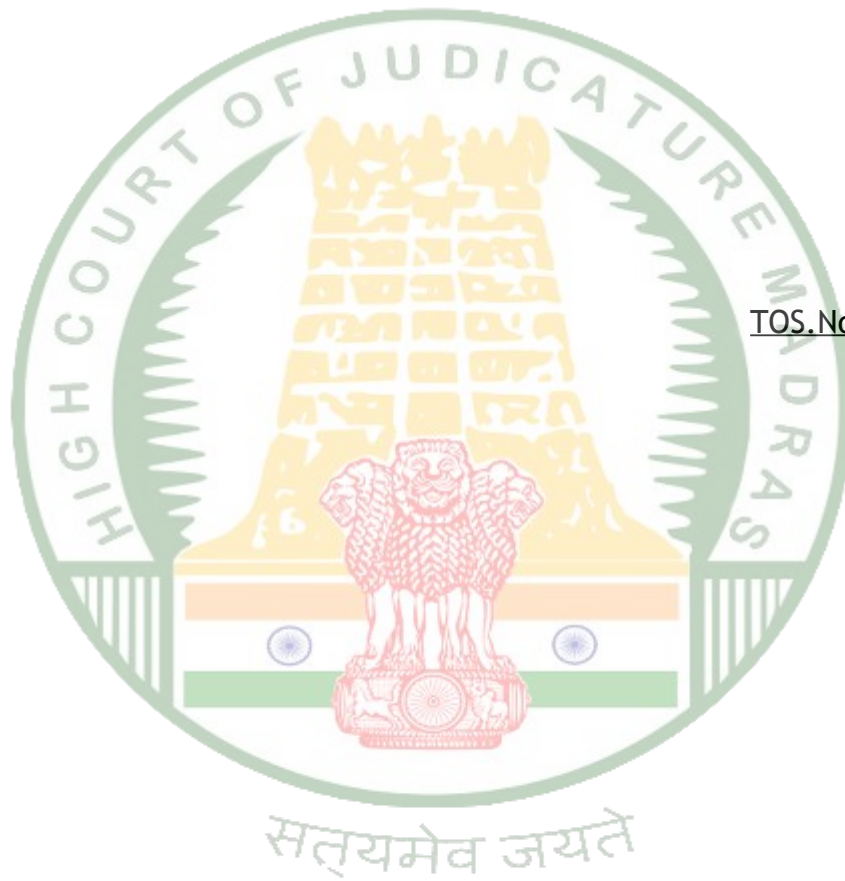


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