

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

TOS.No.50 of 2018
and A.No.6771 of 2019

J.Sathyaruben

... Plaintiff

Vs

Mrs.N.Dharani

... Defendant

TOS numbered on conversion of Original Petition on caveat being filed by the second respondent in the O.P. and the O.P. was filed under Sections 222 and 276 of the Indian Succession Act, 1925 and under Order XXV Rule 4 of the Original Side Rules, praying for Probate.

For Plaintiff : Mr.V.Prabhu
For Defendant : Mr.V.Manohar

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JUDGMENT

The learned counsel for the plaintiff as well as the learned counsel for the defendant submitted that the dispute between the parties has been amicably settled in the Tamil Nadu Mediation and Conciliation Centre. The Mediation Centre has sent the report, enclosing the memo of compromise entered into between the parties dated 25.09.2019. The terms of the agreement reads as follows:

- i) *The registered suit Will dated 18.04.2012 of the deceased contains a testamentary direction to the applicant above named (Executor) to pay a sum of Rs.3,50,000/- to the respondent (his sister). The Application No.6771 of 2019 is for permission to remit this amount into Court. The respondent aforesaid has agreed to receive this amount. Accordingly a Draft No.963808 dated 20.09.2019 drawn on Indian Bank, Uthiramerur Branch, Kanchipuram District in her name for a sum of Rs.3,50,000/- (Rupees three lakhs fifty thousand only) issued by the receipt of which sum tendered herewith is received by respondent / defendant herein.*
- ii) *On her request the plaintiff / applicant has agreed that a further sum of Rs.1,50,000/- (Rupees one lakh fifty thousand only) is to be paid by the applicant / plaintiff to the respondent / defendant within a period of 2 months from today.*
- iii) *On receipt of the aforesaid sum the respondent / defendant withdraws Caveat No.1964 of 2018 lodged by her as not pressed*

and gives her consent to the grant of probate to the suit Will dated 18.04.2012.

2. In view of the above, the TOS is decreed in terms of the memo of compromise, dated 25.09.2019 and the memo of compromise shall form part of the decree. Registry is directed to refund the court fee to the plaintiff as per law. Consequently, connected application is closed. No costs.

19.11.2019

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

To

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

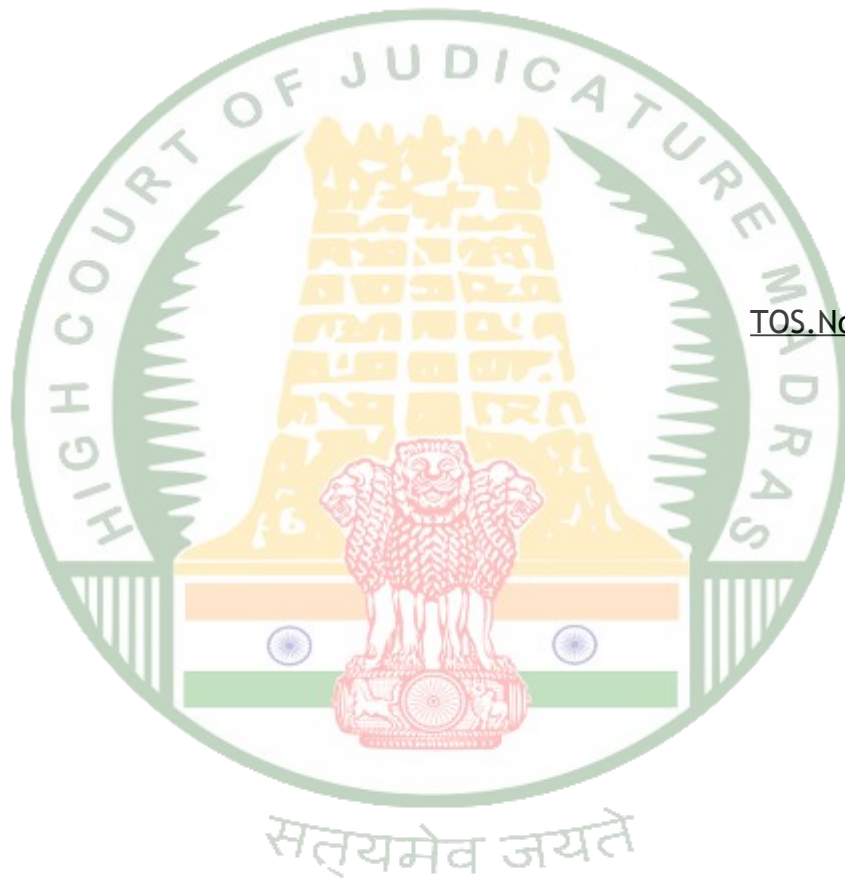


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K.KALYANASUNDARAM, J.,

pvs



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