

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

O.S.A. No. 132 of 2021

Rahul Sadagopan

..Appellant/Applicant

-vs-

N. Shankara Subramanian (Deceased)
Rajehwari Thyagarajan (Deceased)

1. Sandhya Shankar
2. Vidhwath Shankar
3. Vaishwath Shankar

..Respondents/Respondents

PRAYER:- Original Side Appeal filed under Order XXXVI Rule 1 of the Original Side Rules read with Clause 15 of the Letters Patent, praying to set aside the fair and decreetal order dated 17.12.2020 passed in Appl. No. 476 of 2016 in O.P. No. 417 of 2002, allow the present appeal.

Prayer in A.No.476 of 2016 in OP.No.417 of 2002 : Application filed under order XIV R8 of the O.S. Rules and order 25 R 62 of O.S. Rules r/w section 263 of Indian Succession Act to revoke the Letters of Administration granted by this Hon'ble Court dated 18.12.2002 in OP.No.417 of 2002.

Prayer in OP.No.417 of 2002 : This Original Petition praying that this Hon'ble Court be pleased that Letters Administration together with will annexed to the property and credits of the above named deceased late Meenakshi Natarajan may be granted to him as the Beneficiary under the will of the said deceased having effect limited to the State of Tamil Nadu.

For Appellant : Mr. Srinath Sridevan

For Respondents : Mr. B.Arvind Srevatsa

J U D G M E N T
(Judgment of the Court was made by P.D. AUDIKESAVALU, J.,)
(through video conference)

The intra-court appeal arises out of the order dated 17.12.2020 in Appln. No. 476 of 2016 in O.P. No. 417 of 2002 passed by the Learned Judge on the Original Side of this Court dismissing the application filed by the Appellant to revoke the Letters of Administration granted for the Will dated 23.10.1985 executed by Mrs. Meenakshi Natarajan (who died on 10.12.1999) by order dated 18.12.2002 in O.P. No. 417 of 2002, as not maintainable.

2. The Appellant and the Respondents are the grandchildren of the said testator, viz., Mrs. Meenakshi Natarajan. As per the terms of the said Will of the said testator, the Respondents have now become the beneficiaries of her properties under the Will, and in this appeal, the exclusion of the Appellant has been assailed. It is represented that in consideration of love and affection and in order to maintain harmony in the family and avoid unnecessary time spent in further litigation, the Respondents have agreed to pay a sum of Rs.50,00,000/- to the Appellant in full and final settlement of all claims inter se the parties and the Appellant also accepts the same. In furtherance thereto, the Appellant and the Respondents have on 01.04.2021 entered into a Joint Memorandum of Compromise in which it has been stated as follows:-

"10. Accordingly, the parties agree as under:

10.a Respondents jointly and severally undertake to pay to Appellant the sum of Rs.50,00,000/- in the manner set out in Paragraph No. 10.c hereunder in full satisfaction and full and final settlement of all claims and issues between the Appellant and the Respondents herein.

10.b In consideration of the due compliance by Respondents of their obligations in Clause 10.a, the Appellant confirms that the Will dated 23.10.1995 executed by his grandmother Late Mrs. Meenakshi Natarajan is true and genuine.

10.c The above-mentioned amount of Rs.50,00,000/- shall be paid by the Respondents 1 to 3 to the Appellant in the following manner:

Date of Payment	Amount (in Rupees)
01.04.2021	Rs.14,00,000/-

<i>Date of Payment</i>	<i>Amount (in Rupees)</i>
<i>On or before 31.05.2021</i>	<i>Rs.12,00,000/-</i>
<i>On or before 31.07.2021</i>	<i>Rs.12,00,000/-</i>
<i>On or before 30.09.2021</i>	<i>Rs.12,00,000/-</i>
<i>TOTAL</i>	<i>Rs.50,00,000/-</i>

11. The payment of the Second, Third and Fourth instalments shall be made by the Respondents to the Appellant by NEFT/RTGS to the Bank Account of the Appellant. The Bank details for remittance of the Second, Third and Fourth instalments by way of RTGS/NEFT in favour of the Appellant herein is as follows:

Name : RAHUL SADAGOPAN
Bank : ICICI Bank, Santhome
Branch : Santhome Branch
Account No.: 015201526437
IFSC : ICIC0000212

12. WHEREFORE IT IS PRAYED THAT the above Original Side Appeal in OSA No. 132 of 2021 may kindly be disposed of by recording the above terms of the Joint Memorandum of Compromise and the Joint Memorandum of Compromise may kindly be read as part and parcel of Judgment in OSA No. 132 of 2021.

The first payment of Rs.14,00,000/- (Rupees Fourteen Lakhs Only) bearing No. 144380 dated 01.04.2021, drawn on IDBI Bank, Alwarpet Branch in favour of Mr. Rahul Sadagopan (the Appellant herein), is enclosed herewith and the Appellant acknowledges the receipt of the same and the same is subject to realisation."

The Appellant and the Respondents have appeared through video conference and have been identified by their respective Learned Counsel, who are present in Court today. The parties have confirmed that the settlement has been entered into between them after due deliberations and to their full satisfaction. Accordingly, the said Joint Memorandum of Compromise is recorded.

In the result, the Original Side Appeal is disposed on the following terms:-

- (i) The impugned order dated 17.12.2020 in Appln. No. 476 of 2016 in O.P. No. 417 of 2002 passed by the Learned Judge on

the Original Side of this Court dismissing the application filed by the Appellant to revoke the letters of administration granted by order dated 18.12.2002 in O.P. No. 417 of 2002, is confirmed;

- (ii) The Joint Memorandum of Compromise dated 01.04.2021 entered between the Appellant and the Respondents shall form part of this order;
- (iii) The Respondents shall make payment of the sum of Rs.50,00,000/- to the Appellant in instalments in the manner agreed on the due dates under written acknowledgment;
- (iv) In the event of default committed by the Respondents to pay the entire amount by 30.09.2021, the Appellant shall be entitled to recover the deficit amount without interest from the Respondents by filing execution petition treating this order as decree passed in civil suit.
- (v) The parties shall bear their respective costs.

(*) Xerox Copy of Joint Memorandum of Compromise filed by the Appellant and the Respondents herewith enclosed

Sd/-

Assistant Registrar (CS.II)

/True Copy/

Sub Assistant Registrar

To

The Sub-Assistant Registrar (O.S.),
High Court of Madras,
Chennai.

+1cc to Mr.R.Ramya, Advocate SR.NO..21829

+1cc to Mr.Srinath Sridevan, Advocate SR.NO..21793

AKM/21.04.21/4P-4C/

O.S.A. No. 132 of 2021
01.04.2021