

CMP Nos.3859 of 2020 & 3723 of 2021

in

S.A.No. 1037 of 2015

MR. JUSTICE T.RAVINDRAN

During the pendency of the second appeal Nos.1012 and 1037 of 2015, the petitioner/second respondent has preferred a petition under Order XLI Rule 27 of CPC for the reception of additional evidence. The additional documents projected by him are the original Will dated 24.02.1999 executed by late K. Krishnan and registered at the office of the Sub Registrar, Kundrathur and the affidavit of only surviving witness M.J. Balasubramani.

2. Inasmuch as the parties to the second appeals i.e. S.A. Nos.1012/2015 and 1037/2015 has today filed a joint memo of compromise and prayed this Court to dispose of both the appeals in terms of the joint memo of compromise, this Court recording the terms of compromise after hearing both the parties, accordingly today disposed of both the appeals in terms of the joint memo of compromise. In such view of the matter, according to the petitioner in CMP No.3859 of 2020, the original Will filed by him as the additional document in S.A.No.1037/2015 may be ordered to be

returned to him and with reference to the same he has preferred an another petition in CMP No. 3723 of 2021.

3. Inasmuch as the parties had entered into the compromise as above stated and furthermore, as the memo has also been filed by the respondents expressing no objection in returning the original Will to the petitioner/second respondent, accordingly, the Registry is directed to return the original Will dated 24.02.1999 executed by late K. Krishnan registered as document No.16/1999, SRO, Kundrathur, to the petitioner's counsel under proper acknowledgment by replacing with the certified copy of the same in the case bundle. Accordingly, the petitioner is directed to obtain the certified copy of the Will from the concerned office of the Sub Registrar and produce the same before the Registry for getting back the original Will. Accordingly, CMP No.3723 of 2021 is ordered and CMP No.3859 of 2020 is closed.

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T.RAVINDRAN, J.

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