

**A.Nos.956 and 957 of 2021
in
C.S.No.435 of 2018**

N.SESHASAYEE, J.,

The facts of the case is that : The 1st plaintiff was married to a certain Krishnaswamy. Some time in 2006, Krishnaswamy is stated to have executed a settlement deed. He created a life estate in favour of his wife, the 1st plaintiff, and the residuary estate was given to the 2nd defendant and his mother. While so, Krishnasamy died on 19.11.2009. Subsequently, mother of the 2nd defendant died on March 2017. Thereafter, the present suit is laid by Krishnasamy's wife (maternal grand mother of the 2nd defendant), challenging the said Settlement Deed executed by Krishnaswamy.

2. The defence was that the 2nd defendant had chosen to marry a girl of his choice and this was not acceptable to his maternal grand mother. The trial of the case commenced and the 1st plaintiff, the maternal grand mother of the 2nd defendant has been examined. The case is posted to further evidence on the side of the 1st plaintiff. At this stage, the 1st plaintiff has taken out these two applications:

(a) A.No.956 of 2021 is filed to amend the schedule – B of the plaint to incorporate certain more items in the list which was jointly held by the 1st plaintiff and the 2nd defendant and the list of jewellerys which are already inventoried.

(b) A.No.957 of 2021 is filed for interim direction to the respondent / 2nd defendant to hand over Gold and Silver articles morefully described in the schedule appended to the Judges Summons to the plaintiffs.

3. Mr.H.Karthik Seshadri, learned counsel for the 2nd defendant would submit that insofar as A.No.956 of 2021 is concerned, it is an admitted fact that the locker stood in the name of the 1st plaintiff and the 2nd defendant, and that the 1st plaintiff had handed over the keys to the 2nd defendant to operate it independently. This apart, he also stated that even the 1st plaintiff strongly conceded that some of the articles in the locker belonged to her deceased daughter. He, however, added that the 2nd defendant disputed the title of the 1st plaintiff to operate the locker.

4. A.No.957 of 2021 is filed for an interim direction to hand over those articles in the locker to the plaintiff and the learned counsel submitted that this cannot be handed over due to the pendency of the suit, more so, the 2nd defendant disputes title of the 1st plaintiff.

5. Heard both sides.

6. The learned counsel for the plaintiffs would now respond and states that if the articles are not handed over, and the Bank may be directed atleast not to allow the 2nd defendant to operate the locker.

7. After careful consideration of both the applications, this Court considers it is only appropriate to allow A.No.956 of 2021. To operate the contents of the said locker, the title has to be decided, and it can be decided in the suit. So far as A.No.957 of 2021 is concerned, inasmuch as the entire articles are inventoried, there is no need to hand over the

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articles to the other side. Hence, this Court felt there is no need to pass
any direction in A.No.957 of 2021 and accordingly, dismissed.

8. A.No.956 of 2021 is allowed. Necessary amendment to be carried out
and the matter will be referred back to learned Master for continuation of
trial on 26.04.2021 and the learned Master is directed not to extend
generous adjournment and accommodation for the parties and to proceed
again with the trial of the matter, but subject to Covid protocol of the
High Court and conduct of Courts.

9. Post the matter on 14.06.2021.

08.04.2021

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