



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.04.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

S.A.No.1098 of 2014

Kesavan

...Appellant/Plaintiff

Vs.

1.Rajakumari
2.Rajalakshmi

3.State Bank of India,
Chindathiripettai Branch,
Chindathiripettai,
Chennai.

... Respondents/Defendants

PRAYER: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree of the learned Principal Subordinate Judge, Mayiladuturai dated 16.07.2014 in A.S.N.27 of 2013 reversing the Judgment and Decree of the learned Principal District Munsif, Mayiladuturai dated 15.04.2013 in O.S.No.167 of 2011.

For Appellant :Mr.S. Sounthar

For Respondents :Ms.P.Srividhya

for Mr.A. Muthukumar for R1&R2

Mr.Sethuraman for R3

JUDGMENT

The appellant and the respondents 1 and 2 have entered into a Compromise in and by which they have agreed to the following terms:

"1.The Appellant, Respondents 1 and 2 agree that they are entitled to 1/3rd share each on the terminal benefits of deceased Anbalagan.

2.The Appellant, Respondents 1 and 2 agree that a direction may be issued to 3rd respondent to disburse all terminal benefits of deceased Anbalagan to Appellant. Respondents 1 and 2 on equal shares (1/3rd share each).



WEB COPY

3.The Appellant, Respondents 1 and 2 agree that Appellant is entitled to full share of Anbalagan in his ancestral house in Adhimanapurusan hamlet, Kali Post, as mentioned in the Will dated 02.07.2008 executed by deceased Anbalagan and to that extent the validity of Will executed by deceased Anbalagan dated 02.07.2008 may be upheld.

4.The Appellant, Respondents 1 and 2 agree that above Second Appeal may be disposed of on above terms"

2.The parties have agreed that the appellant and the respondents 1 and 2 each are entitled to 1/3rd share in the terminal benefits of the deceased Anbalagan and that the appellant is entitled to full share in the ancestral house of Anbalagan under the Will dated 02.07.2008. The terminal benefits are payable by the 3rd respondent Bank. It is needless to state that the Bank shall disburse the terminal benefits as agreed by the parties.

The Joint Memorandum of Compromise filed by the parties is taken on file and this Second Appeal is ordered in terms of Compromise. The terms of the compromise shall form part of the Decree. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

mps
To

1.The Principal Subordinate Judge,
Mayiladuturai.

2.The Principal District Munsif,
Mayiladuturai.



+1 cc to Mr.S.Sounthar Advocate sr26465
+1 cc to Mr.A.Muthukumar Advocate sr26486
+1 cc to Mr.S.Sethuraman Advocate sr26860

WEB COPY

S.A.No.1098 of 2014

ss (co)
aa06/06/2022