



T.O.S.No.51 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

**T.O.S.No.51 of 2010
and A.Nos.2813 and 2814 of 2020**

J.Ashok Kumar Lunia

...Plaintiff

Vs.

Mrs.Chandrakala

...Defendant

O.P.No.422 of 2010 was filed under Sections 222 and 276 of the Indian Succession Act, XXXIX of 1925 for the grant of Probate. Against this petition, a caveat and supporting affidavit was filed on 4th day of August 2010. As per the order of Court dated 17.08.2010 in O.P.No.422 of 2010 the Original Petition was directed to be converted into Testamentary Original Suit and numbered as TOS.No.51 of 2010.



T.O.S.No.51 of 2010

For Plaintiff: Mr.D.Sankaran

For Defendant : Mr.G.Muthukumar
for Mr.N.Senthilkumar

ORDER

T.O.S.No.51 of 2010, is filed to grant Probate of last Will and testamentary of Mrs.Kasumbi Bai, executed on 18.10.1996 in favour of the plaintiff. A.Nos.2813 and 2814 of 2020, are pending to recall PW-1 and reopen the evidence of PW-1 for the purpose of further cross examination, respectively.

2.The learned counsel for the parties submitted that the plaintiff and the defendants have settled the dispute between them amicably and they are present before this Court for recording their settlement. Accordingly, the matter is taken up today at 2.15 pm. Both the learned counsel and parties viz., Mr.J.Ashok Kumar Lunia – plaintiff and Mrs.Chandrakala – defendant are present. Mrs.Chandrakala filed



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consent affidavit stating among other things, that she had received original D.D. of Rs.42,50,000/- (Rupees Forty Two Lakhs Fifty Thousand Only) as full and final settlement from the plaintiff and she has no objection for granting probate as claimed in the plaint in favour of the plaintiff - J.Ashok Kumar Lunia. She admitted that her mother executed the Will bequeathing properties covered under the Will in favour of the plaintiff and his son Rahul Lunia.

3.The plaintiff and defendant are enquired about the dispute especially the consent affidavit filed by Mrs.Chandrakala. She admitted the settlement of dispute and receipt of original D.D. of Rs.42,50,000/- (Rupees Forty Two Lakhs Fifty Thousand Only) today in the open Court. She also stated that she has no objection for grant of probate.

4.In view of the settlement of dispute between the parties and the consent affidavit filed by Mrs.Chandrakala, T.O.S.No.51 of 2010 is decreed as prayed for and probate is granted in favour of the plaintiff in respect of the Will dated 18.10.1996, executed by Mrs.Kasumbi Bai.



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The consent memo shall be part and parcel of the decree. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

17.10.2022

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Internet: Yes

Index:Yes/No

Speaking Order: Yes/No



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To

The Sub Assistant Registrar
Original Side
High Court, Madras.

G.CHANDRASEKHARAN.J.,



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