



WEB COPY



TOS.No.10 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.03.2022

CORAM :

THE HONOURABLE MRS. JUSTICE **V.BHAVANI SUBBAROYAN**

TOS.No. 10 of 2020

M. Parasmal Bohra

..Plaintiff

Versus

1.Manoj
2.Dalpath
3.Padma

..Defendants

Prayer: TOS.No.10 of 2020 numbered on conversion of O.P.No.441 of 2019, filed under Sections 222 and 276 of the Indian Succession Act, XXXIX of 1925 praying to prove the last Will and Testament of Late.Roopchand Khariwal dated 14.02.1994 in the common form and the Probate thereof to having effect limited to the State of Tamil Nadu.

For Plaintiff : Mr.Jayesh B. Dolia
For Aiyar and Dolia

For Defendants : Mr.Meenakshi Sundaram



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JUDGMENT

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This Testamentary Original Suit has been filed by the plaintiff to prove the last Will and Testament of Late. Roopchand Khariwal dated 14.02.1994 in the common form and the Probate thereof be granted having effect limited to the State of Tamil Nadu.

2. This suit was referred for mediation to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, by the order of this Court, dated 09.09.2021.

3. A communication, dated 10.03.2022 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its Mediation Report, dated 10.03.2022, has been received, and in the said Mediation Report, it is stated as follows:-

"Mediation completed, Agreement enclosed".

4. As the parties have arrived at an amicable settlement in terms of the Memo of Compromise entered into between the parties herein, dated 10.02.2022, this suit is listed for passing orders in terms of the Memo of Compromise, dated 10.02.2022.



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5. The Memo of Compromise entered into between the parties herein, dated 10.02.2022, is signed by the parties and the learned counsel for the plaintiff.

6. In terms of the settlement arrived at between the parties, which is recorded under the Mediation Report, dated 10.03.2022, in terms of the Memo of Compromise, dated 10.02.2022 before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, this TOS is decreed, recording the Memo of Compromise, dated 10.02.2022. The terms of the Memo of Compromise, dated 10.02.2022 and the Mediation Report, dated 10.03.2022 of the Mediation Centre shall form part of the decree. No costs.

11.03.2022

Speaking order : Yes
msm



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msm

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This Testamentary Original Suit was decreed by this Court an order dated 11.03.2022. The matter is listed today under the caption for being mentioned.

2. The learned counsel for the plaintiff would submit that the Testamentary Original Suit has already been decreed and now he sought refund of the court fee, hence, this Court grants the same.

"Registry is directed to refund the court fee paid by the plaintiff in the TOS in accordance with the provisions of the Tamil Nadu Court Fees and Suit Valuation Act, 1955". Refund of the Court Fee in the name of K. NIKESH, (Counsel for the Plaintiff).

3. Registry is directed to make necessary above correction in the said order dated 11.03.2022 and issue fresh copies subject to payment of necessary charges.

29.04.2022

msm



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msm

T.O.S.No. 10 of 2020

29.04.2022