



T.O.S.No.15 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

T.O.S.No.15 of 2014

Tmt.Maheswari

...Plaintiff

Vs.

1.Sundararajan
2.Srinivasan
3.Padmanaban

...Defendants

O.P.No.655 of 2013 was filed under Sections 232 and 276 of the Indian Succession Act, XXXIX of 1925 for the grant of Letters of Administration. Against this petition, a caveat was filed on 6th day of December 2013 by the Caveators above named. The supporting affidavit was filed on 11th day of December 2013. As per the order of Court dated 17.12.2013 in O.P.No.655 of 2013, the Original Petition was directed to be converted into Testamentary Original Suit and numbered as TOS.No.15 of 2014.

For Plaintiff : Mr.K.V.Sundararajan

For Defendants : Mr.C.Jagadish



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ORDER

When the matter is taken up, the learned counsel for the plaintiff and the defendants are present.

2.It is submitted by the learned counsel appearing for both the parties that a parallel proceedings is pending before the Hon'ble Supreme Court and Hon'ble Mr.Justice N.Kirubakaran (former Judge of this Court) was appointed as a Mediator by the Hon'ble Supreme Court. In the Mediation, a memorandum of compromise was entered into between the parties on 02.05.2022.

3.During trial, PW-1 was examined and Exs.P-1 to P-13 were marked. PW-2 attesting witness was also examined to prove the Will. A copy of the memorandum of compromise was marked as Ex.P-12 in this case.

4.From the perusal of Memorandum of compromise entered between the parties it is seen that the defendants have no objection for



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grant of letters of administration in favour of the plaintiff in T.O.S.No.15 of 2014. In support of this contention, the defendants 1 to 3 have also filed separate and independent consent affidavits. Perusal of all the consent affidavits confirmed to the effect that the parties have entered into a compromise through a memorandum of compromise on 02.05.2022 and that in terms of the compromise, the defendants have no objection for grant of letters of administration in favour of the plaintiff Mrs.Maheswari in T.O.S.No.15 of 2014. Now also, they pleaded that letters of administration in favour of Mrs.Maheswari in T.O.S.No.15 of 2014 may be granted.

5.In view of the compromise entered into between the parties and that the defendants have no objection for the letters of administration to the plaintiff, this Court decrees the suit by granting letters of administration.



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6. In the result,

(i). The suit in TOS.NO.15 of 2014 is decreed in terms of memorandum of compromise, which shall form part and parcel of the decree.

(ii). The Letters of Administration, having effect throughout Tamil Nadu, shall be issued in favour of the plaintiff in respect of the Will executed on 06.10.2003 by late Mallika in favour of the plaintiff.

(iii). The plaintiff is directed to duly administer the estate of the deceased as mentioned in the suit schedule.

(iv). The plaintiff shall execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the Assistant Registrar (O.S-II), High Court, Madras.

(v). The plaintiff is further directed to render true and correct accounts once in a year.

(vi). No costs.

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List of Witness examined on the side of the Plaintiff:-

PW.1 - Mrs.Maheswari

PW.2 - Mr.R.Jayachandran

List of the Exhibits marked on the side of the Plaintiff:-

Sl. Nos.	Exhibits	Description of documents
1.	Ex.P.1	The photocopy of the sale deed dated 03.04.1978.
2.	Ex.P.2	The photocopy of the legal heirship certificate of late Balaraman, husband of deceased Mallika dated 13.09.1983.
3.	Ex.P.3	The photocopy of the partition deed dated 18.05.1989.
4.	Ex.P-4	The photocopy of the legal heirship certificate of deceased Boopathi Ammal dated 02.07.1996.
5.	Ex.P.5	The original death certificate of Rangasamy Reddiar dated 28.10.1994.
6.	Ex.P.6	The original Will dated 06.10.2003.
7.	Ex.P.7	The original death certificate of the deceased Mrs.Mallika dated 19.05.2011.



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Sl. Nos.	Exhibits	Description of documents
8.	Ex.P-8	The photocopy of the Aadhaar card of R.Jayachandran.
9.	Ex.P.9	The photocopy of the voter ID of R.Jayachandran.
10.	Ex.P.10	The signature of attesting witness of R.Jayachandran found in Ex.P.6, Will
11.	Ex.P.11	The signature of the witness Jayachandran found in reverse side of the Ex.P.6, Will.
12.	Ex.P.12	The photocopy of the memorandum of compromise dated 02.05.2022.
13.	Ex.P.13	The web copy of the order of the Hon'ble Supreme Court of India made in CA.No.9132 of 2017 dated 13.05.2022.

List of the Exhibits marked on the side of the Defendants:- Nil

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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.



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G.CHANDRASEKHARAN.J.,

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