



C.S. No.608 of 2009 & T.O.S. No.33 of 2010

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.02.2023

CORAM : JUSTICE N.SESHASAYEE

C.S. No.608 of 2009 and T.O.S. No.33 of 2010

C.S. No.608 of 2009

1.R.Rajagopal
2.R.Krishnan
3.Smt.Radha Rangamani
4.Miss.Anita Rangamani
5.Pranitha Rangamani

.... Plaintiffs

Vs

1.R.Srinivasan (Deceased)
2.Mrs.Sulochana
3.Mrs.Sripriya
4.Mrs.S.Suchitra

.... Defendants

(Defendants 2 to 4 are brought on record as legal heirs of the deceased sole defendant as per order dated 22.07.2021 in A. No.1724 of 2021)

Prayer : Civil Suit filed under Order IV Rule of O.S. Rules read with Order VII Rule 1 of CPC for a judgment and decree (a) directing the defendant to pay the sum of Rs.28,30,685/- (being Rs.22,50,000/- towards principal and Rs.5,30,685/- towards interest @ 6% p.a. from 21.03.2005 to 09.07.2009) together with future interest @ 6% p.a. from the date of suit till date of



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realisation; (b) by directing the properties in schedule items I and II by metes and bounds and thereafter allot 1/4th share each to the plaintiffs 1, 2 and defendant individually and to plaintiffs 3 to 5 jointly and (c) for costs of the suit.

For Plaintiffs : Mr.S.Prasanth
for Sarvabhauman Associates

For Defendants : Mr.Swarnam J.Rajagopalan

T.O.S. No.33 of 2010

- 1.R.Srinivasan (Deceased)
- 2.Mrs.Sulochana
- 3.Mrs.Sripriya
- 4.Mrs.S.Suchitra

.... Plaintiffs

(Plaintiffs 2 to 4 are brought on record as legal heirs of the deceased sole defendant as per order dated 22.07.2021 in A. No.1724 of 2021)

Vs

- 1.R.Rajagopal
- 2.R.Krishnan
- 3.Smt.Radha Rangamani
- 4.Miss.Anita Rangamani
- 5.Pranitha Rangamani

.... Defendants

Prayer : Testamentary Original Suit filed under Sections 222 and 276 of the Indian Succession Act XXXIX of 1925 Order XXV Rule 4 of the High Court O.S. Rules, 1956 for grant of probate.



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For Plaintiffs : Mr.Swarnam J.Rajagopalan

For Defendants : Mr.S.Prasanth
for Sarvabhauman Associates

COMMON JUDGMENT

By consent of parties, both the suits were referred for a mediated settlement of the dispute between the parties. The mediation indeed was successful and the parties have entered into a compromise. Compromise agreement, which the parties have entered into before the Mediation Centre is also made available before the court. The parties now require a decree in terms of the compromise that they have now arrived at. By virtue of this compromise, the legatees under the Will involved in the testamentary original suit in T.O.S. No.33 of 2010 give up their right and consequently, the said Testamentary original suit is now withdrawn. The other suit for partition in C.S. No.608 of 2009 is required to be decreed in terms of the compromise arrived between the parties.

2. All the parties or their Power of Attorneys, as the case may be, appeared



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before the court today and agreed to the terms of compromise. This court is also satisfied about the legality of the compromise now entered into between the parties.

3. This court now dismisses T.O.S. No.33 of 2010 as withdrawn. C.S. No.608 of 2009 is decreed in terms of the compromise and a decree be prepared as per the compromise so arrived at. No costs.

07.02.2023

Asr

Note to office:

Issue judgment and decree on
08.02.2023.



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N.SESHASAYEE.J.,

Asr

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T.O.S. No.33 of 2010

07.02.2023