



WEB COPY



OSA.Nos.309 & 326 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **26.07.2023**

CORAM

THE HONOURABLE Mr.JUSTICE **R.SUBRAMANIAN**
and

THE HONOURABLE Mrs.JUSTICE **R.KALAIMATHI**

Original Side Appeal Nos.309 & 326 of 2013

S.Venkateswaran

... Appellant in both appeals

Versus

1. Meenakshi Devi (deceased)
2. Sarala Devi
3. Pushpalatha
4. Prabhakaran
5. Kalai Selvi
6. Padma Priya

(R2 to R6 brought on record as LR's of deceased sole respondent
vide order dated 27.02.2015 made in MP.No.1 of 2015)

... Respondents in both appeals

PRAYER in OSA.No.309/2013: Original Side Appeal filed under Order XXXVI Rule 11 of the Original Side Rules read with Clause 15 of the Letters Patent, against the order dated 11.06.2013 passed in TOS No.2 of 2010.

PRAYER in OSA.No.326/2013: Original Side Appeal filed under Order XXXVI Rule 11 of the Original Side Rules read with Clause 15 of the



OSA.Nos.309 & 326 of 2013

Letters Patent, against the order dated 11.06.2013 passed in CS.No.495 of 2002.

For Appellant : Mr.M.Aravind Subramaniam
(in both appeals) Senior counsel for Mr.JAS Satish Kumar

For Respondents : Mr.R.Manickavel for RR2 to 6
(in both appeals) R1-Died.

COMMON JUDGMENT

(Judgment of the Court was delivered by ***R.SUBRAMANIAN, J.***)

The appeals are against the decree for partition granted by the Trial Court and dismissal of Testamentary Original suit.

2. The parties have now agreed to have the property divided in a ratio of 60:40. A Joint Compromise Memo dated 26.07.2023 signed by both parties and their respective counsel, has been filed, wherein it is agreed that the appellant will get 60% share in the property and the respondent will be entitled to 40% share.



OSA.Nos.309 & 326 of 2013

WEB COPY

3. Accordingly, there will be a preliminary decree in the suit declaring that the appellant would be entitled to 60% share and the respondent would be entitled to 40% share. It is also agreed that a sum of Rs.2,62,500/- (Rupees Two lakhs Sixty Two Thousand and Five Hundred only), which is lying in Court deposit, will be shared by the parties in the same ratio. There will be an order directing the Registry to issue a cheque for a sum of Rs.1,57,500/- [Rupees One lakh Fifty Seven Thousand and five hundred only] to the appellant and Rs.1,05,000/- [Rupees one lakh and five thousand only] to the fourth respondent. The parties have also agreed to share the taxes at the same ratio.

4. It is stated that the documents relating to the property are with Madras City Corporation House Mortgage Bank, Ritherdon Road, Vepery, Chennai. It is also stated that the appellant has discharged loans. There will be a direction to the Bank to hand over the original documents to the appellant and the appellant shall produce the same for verification by the respondents or any other persons, who intends to purchase the property as and when required.



OSA.Nos.309 & 326 of 2013

WEB COPY

5. There will be a decree in terms of Joint Memo of Compromise. The Joint Compromise Memo is recorded and the same shall form part of the decree. The appeals are disposed of in the above terms. There shall be no order as to costs.

(R.SUBRAMANIAN, J.) (R.KALAIMATHI, J.)
26.07.2023

kmi

Index : No
Internet : Yes
Neutral Citation : No
Non speaking order

To
The Section Officer,
Original Side,
High Court of Madras.



WEB COPY



OSA.Nos.309 & 326 of 2013

R.SUBRAMANIAN, J.
and
R.KALAIMATHI, J.

kmi

Original Side Appeal Nos.309 & 326 of 2013

26.07.2023