



A.S.No.665 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

A.S.No.665 of 2020

and

C.M.P.No.8081 of 2020

1.P.A.Gowri

2.P.A.Sarada @ Meenakshi

...

Petitioners

Versus

1.P.A.Sankara Narayanan @ Sankaramani

2.P.A.Ramachandran @ Rajan

3.P.A.Ramakrishnan @ A.Ramji

4.P.A.Radhakrishnan

P.A.Seethalakshmi @ P.A.Seetha (Died)

5.P.A.Lakshmi

6.S.Narayanan

7.S.Seetharaman @ Prasad

8.J.Jayanthi

1 / 7



A.S.No.665 of 2020

9.J.Jayasree

10. Vijaya Krishnaswamy.

11.J.Prasad

...

Respondents

Prayer: Appeal Suit filed under Section 96 of C.P.C., praying to set aside the judgment and decree dated 12.12.2019 made in O.S.No.160 of 2014 on the file of the I Additional District Court, Coimbatore.

For Appellants : Mr.K.R.Sankaran

For Respondents : Mr.N.Loganathan for
M/s.P.V.Law Associates (for R1 to R7)
: No appearance (for R9 & R10)
: Not ready in Notice (for R8 & R11)

JUDGMENT

The learned counsel for the appellants and the respondents made a submission that the parties have entered into a compromise and settled the issues between them.

2. Accordingly, a memorandum of compromise has been filed under Order XXIII Rule 3 of CPC read with Section 151 of CPC, and the same reads as under:

“ TERMS OF COMPROMISE:



A.S.No.665 of 2020

1. The appellants and respondents affirm that the Will dated 22.05.1961 (Ex, B2 & X3) is the last and true Will of Late. Adi Narayana Iyer and that the finding of the Trial Court in this regard may be affirmed in this appeal.

2. Further so as to avoid disputes and acrimony in the family, respondents 1 to 4 have jointly agreed and shall pay a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) to each of the appellants in the following manner:

a. A sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) shall be paid to each of the appellants at the time of compromise by Cheque Nos.464224 & 464221 both dated 20.01.2023:

b. A sum of Rs.5,00,000/- (Rupees Five Lakhs Only) shall be paid to each of the appellants on 01.01.2024 by Cheque Nos.464225 & 464222, both dated 01.01.2024:



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A.S.No.665 of 2020

c. The balance sum of Rs.5,00,000/- (Rupees Five Lakhs Only) shall be paid to each of the appellants on 30.09.2024 by cheque Nos.464226 & 464223, both dated 30.09.2024.

3. It is agreed that all the above payments shall be effected by Cheques to and in the name of the Appellants in the aforesaid manner and the Cheques mentioned above shall be handed over at the time of recording the compromise;

4. The Respondents 1 to 4 undertake to promptly and without fail pay the amounts as mentioned in Clause 2 supra and in the unlikely event of failure, this shall constitute a Decree for the Appellants to execute and recover the same from the Respondents;

5. The Appellants affirm that they have no claim as against the properties, the subject matter of the captioned Appeal Suit in any capacity whatsoever and further affirm that succession to the same shall be in terms of the Will dated 22.05.1961;



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A.S.No.665 of 2020

6. The Appellants and the Respondents hereby further affirm and confirm that they have arrived at and entered into this compromise after due deliberation amongst themselves as well their respective families and that they have entered into this compromise voluntarily on their own free will and in that the arrangement arrived at as well the compromise hereby effected is final and irrevocable,"

3.In view of the submission made by the counsel and based on the terms and conditions in the compromise memo entered between the parties, the judgment and the decree dated 12.12.2019, made in OS.No.160 of 2014, stands confirmed.

4. Accordingly, the Appeal Suit in A.S. No.665 of 2020 stands disposed of as compromised and the joint compromise memo shall form part and parcel of the decree to be drawn. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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08.02.2023

5/7



Speaking Order

Internet : Yes

Index: Yes

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A.S.No.665 of 2020



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A.S.No.665 of 2020

S.M.SUBRAMANIAM, J.

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To:
I Additional District Court, Coimbatore.

A.S.No.665 of 2020
and
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