



T.O.S.No.38 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 29.11.2023

CORAM:

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

T.O.S.No.38 of 2022

(O.P No.40 of 2022)

G.Umapathy

.. Plaintiff

..Vs.

S.Suseela

.. Defendant

Prayer: Original Petition has been filed under Sections 222 and 276 of the Indian Succession Act of XXXIX of 1925 for the grant of probate in respect of the last Will and Testament of the deceased R.Govindasamy. Against this petition, a Caveat and supporting affidavit was filed by the Caveators. As per order of this Court, the Original Petition No.40 of 2022 was converted into Testamentary Original Suit No.38 of 2022.

For Plaintiff : Mr.T.Baskaran

For Defendants : Mr.K.P.Dinesh for R1
Mr.V.Srinivasa Babu for R2



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JUDGMENT

When the matter was taken up today, the learned counsel for the plaintiff and the defendant submitted that the matter has been settled before the Mediation Centre, based on the joint compromise memo filed by both the parties and the consent affidavit filed by the defendant. Pursuant to the same, they have filed a Compromise Memo dated 27.07.2023 before this Court which has been duly signed by both the parties and their respective counsel and also made an endorsement to that effect in the petition. The said Compromise Memo is recorded.

2. In view of the same, the suit is decreed, in terms of Joint Compromise Memo entered between the parties before the Mediation Centre and the Compromise Memo entered between the parties before this Court and the same shall form part of the decree. The Court Fee is ordered to be refunded as per law.

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Index:Yes/No

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Speaking/Non-speaking order

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List of witnesses examined on the side of the plaintiff

PW1 G.Umpathy

PW2 K.Prema

List of documents marked on the side of the plaintiff

Ex.P1 13.11.1972	Photocopy of Sale deed in favour of the deceased Govindasamay
Ex.P2 23.07.1997	Original Will
Ex.P3 10.03.2004	Original death certificate of deceased Govindasamy.
Ex.P4 16.10.2013	Computer generated copy of death certificate of deceased Munirathanammal.
Ex.P5 16.12.2004	Photocopy of the legal heir certificate of deceased Govindasamay
Ex.P6	Consent affidavit of K.Prema, PW2
Ex.P7 19.10.2023	Office copy of notice sent by the plaintiff's counsel to the 1st attesting witness along with returned cover and refused cover.
Ex.P8	Affidavit of first attesting witness namely R.Harigopalan.



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List of witnesses examined on the side of the defendant:

DW1 S.Suseela

List of documents marked on the side of the defendant:

Ex.D1 Consent affidavit of S.Suseela, the defendant.

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A.A.NAKKIRAN,J.

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