



C.M.P.Nos.15997 & 16001 of 2024 in O.S.A.Nos.251 & 252 of 2019

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WEB C S.S.SUNDAR, J.
and
K.RAJASEKAR, J.

(Order of the Court was made by S.S.SUNDAR, J.)

These two civil miscellaneous petitions are filed by P.Archana, the appellant in O.S.A.No.251 of 2019 and M.K.Mala, the appellant in O.S.A.No.252 of 2019, with a common prayer to amend the judgment and decree dated 26.06.2023 passed in O.S.A.Nos.251 & 252 of 2019 by granting Letters of Administration in favour of P.Archana, D/o Prabhakar Rao Pawar, in respect of the Will dated 15.03.1995 executed by late Mrs.Saroja Bai.

2. We have heard the learned counsels appearing for the parties. Since the facts are not in dispute and there is no objection by the learned counsel appearing for the respondent/caveator for allowing the prayer, this Court feels that it is not necessary to deal with the facts of the cases in detail. The parties in both the appeals have entered into a memorandum of compromise dated 16.02.2023, in and by which the parties have agreed to the grant of Letters of Administration in favour of P.Archana, D/o Prabhakar Rao Pawar



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in respect of the Will dated 15.03.1995 executed by late Mrs.Saroja Bai, the appellant in O.S.A.No.251 of 2019. However, in the common judgment, though the terms of compromise as regards the consent for grant of Letters of Administration is recorded, the judgment and decree is silent about the grant of Letters of Administration in favour of the appellant in O.S.A.No.251 of 2019. Hence, the present petitions have been filed.

3. Therefore, in terms of the memorandum of compromise entered into between the parties in clauses (a) to (f) dated 16.02.2023, the testamentary original suit in T.O.S.No.3 of 2009 is decreed as prayed for by granting Letters of Administration in favour of the plaintiff P.Archana in respect of the Will dated 15.03.1995 executed by Mrs.K.Saroja Bai and the suit in C.S.No.733 of 2008 stands disposed of in terms of the memorandum of compromise referred to above. Consequently, the appeals in O.S.A.Nos.251 & 252 of 2019 stand disposed of in terms of the compromise entered into between the parties by incorporating the grant of Letters of Administration in favour of P.Archana, D/o Prabhakar Rao Pawar, the appellant in O.S.A.No.251 of 2019, in respect of the Will dated 15.03.1995 executed by late Mrs.Saroja Bai in the judgment and decree, subject to execution of bond for a sum of Rs.25,000/- in terms of Section



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291 of the Indian Succession Act in favour of the Assistant Registrar (O.S.),

High Court, Madras and fulfillment of other requisites. The civil
miscellaneous petitions are ordered accordingly.

(S.S.S.R.,J.) (K.R.S.,J.)
13.08.2024

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