



A.No.4927 of 2024
in O.P.No.13 of 2022

WEB CO **K.KUMARESH BABU,J.**

The present application has been filed seeking to modify the order dated 27.03.2023 made in O.P.No.13 of 2022 as the 1st applicant is entitled to receive 100% of shares in the deceased K.Nareshkumar's Death cum Retirement Gratuity – DCRG from the Police Department, Greater Chennai Police, Chennai within the time fixed by this Court.

2. Heard the learned counsel appearing for the applicants.

3. The learned counsel for the applicants would submit that originally the O.P. was filed seeking to appoint themselves as guardian of the person and property of the minor child N.Varun and to permit the applicants to receive the terminal benefits of their son-in-law on behalf of the minor and to deposit the same.

4. When the O.P. was pending, a settlement was arrived at between the parties and a Joint Memo of Compromise was filed, wherein the applicants agreed to take 65% on behalf of the minor of the terminal benefits and the remaining 35% was to go to the respondent being the paternal grandmother of the minor child. Pending disbursal of the terminal benefits, the respondent had died and therefore, the minor son would be entitled to the entire 100%



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terminal benefits of his deceased father.

5. In such circumstances, they have filed the present application seeking modification of the order, as the Joint Memo of Compromise in which the respondent was given 35% of the share no longer subsists.

6. The learned counsel appearing on behalf of the respondent also acknowledges the death of the respondent.

7. I have heard the submissions made by the learned counsels appearing on either side and perused the materials available on record.

8. The Original Petition was filed for appointment of the petitioners as guardian to the minor and also to receive the terminal benefits on behalf of the minor and keep the same as deposit in the name of the minor. A settlement had been arrived at between the parties wherein the 65% of the terminal benefits was accorded to be shares of the minor and the respondent agreed to be entitled for 35%.

9. A letter produced by the applicants dated 11.06.2024 also indicates that the said terminal benefits is yet to be disbursed. However, the respondent had died on 14.12.2023 even before the disbursal of the said amount.



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Therefore, the minor is entitled for the entire 100% terminal benefits that arise out of the death of his father. Therefore, I see no impediment in ordering the application as prayed for.

10. The petitioners are permitted to receive the 100% of the deceased K.Nareshkumar's Death cum Retirement Gratuity from his employer and the said amount shall also be deposited in the name of the minor and renewed periodically till the minor attains the age of majority.

11. In all other aspects, the order dated 27.03.2023 made in O.P.No.13 of 2022 shall stand same and petitioners shall act as guardian for the minor of both person and property.

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30.10.2024



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