



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

TOS No. 80 of 2013

AND

CS NO. 449 OF 2007

1.S.Jayanthi

2.B.S.Vishnu Priya

(2nd Plaintiff declared as major and the
1st plaintiff discharged from
guardianship and the amendment
carried out as per order dated
05.08.2025 in A.Nos.3766 and 3767 of
2025 in TOS.80/2013)

Plaintiffs in T.O.S.No.80 of 2013

Vs.

1. Vijaya Manohar (Deceased)

2.N.S.Manohar

3.Suman Ranjeet

4.Preetha Manohar

(D2 to D4 brought on record as legal
heirs of the deceased 1st defendant and
the amendment carried out as per order
dated 05.08.2025 in A.Nos.3763, 3764
and 3765 of 2025 in TOS.No.80/2013.

Defendants in T.O.S.No.80 of 2013



1. Vijaya Manohar (Deceased)

2. Estate of Vijaya Manohar

Rep. by the Sole Executor,

Mr.N.S.Manohar

3.N.S.Manohar

4.Suman Ranjeet

5.Preetha Manohar

Plaintiffs 2 to 5 brought on record as
LRs of the deceased 1st plaintiff as per
order dated 02.09.2008 in A.No.3977 of
2008 and delay condoned to carryout
amendment as per order dated
08.06.2009 in A.No.2163 of 2009

Plaintiffs in C.S.No.449 of 2007

Vs

1. B.S.Vishno Priya (Minor)

Rep.by Mother and Guardian S.Jayanthi

2.S.Jayanthi

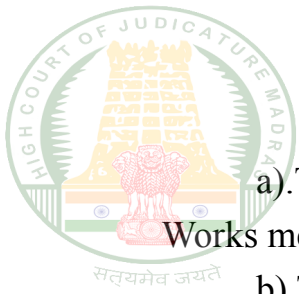
Defendants in C.S.No.449 of 2007

PRAYER in TOS No. 80 of 2013:

This Suit is filed under Sections 222 and 276 of the Indian Succession Act, XXXIX of 1925 for grant of probate.

PRAYER in CS No. 449 of 2007

This Civil Suit is filed under Order IV Rule 1 read with Order XXIV Rule 1 of O.S.Rules 1956 and read with Order VII Rule 1 of C.P.C., prayed for a judgment and decree against the defendants:



a).To take account of the profits of the business of Original Vel Printing Works mentioned in para 3 hereof from 30.03.2006 till the date of the plaint.

b).To partition the properties mentioned in the schedule hereunder belonging to her mother late Radha Balasubramani alias Radha Bai and hand over the ½ share in the properties to the plaintiffs.

c).For declaration that the Will dated 22.11.2004 is invalied and not enforceable.

d).For a permanent injunction restraining the defendants from selling, charging or otherwise disposing off the schedule properties.

e).For a permanent injunction restraining the 2nd defendant from acting as the executor of Will dated 22.11.2004.

f).Costs of the Suit.

TOS No. 80 of 2013

For Plaintiff(s): Ms.P.S.Deepika
For Defendant(s): Mr.M.Aravind Subramanian,
Senior Counsel
for Ms.C.K.Lavanyavathi

C.S No.449 of 2007

For Plaintiff(s): Mr.M.Aravind Subramanian,
Senior Counsel
for Ms.C.K.Lavanyavathi
For Defendant(s): Ms.P.S.Deepika

JUDGMENT

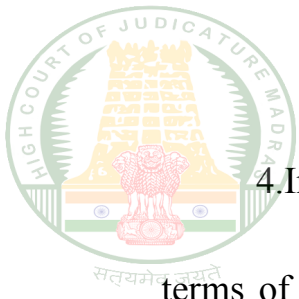
On 05.08.2025 this Court had examined the Memorandum of Understanding dated 23.05.2025 which had been presented before this Court with respect to the issues raised in both T.O.S.NO.80 of 2013 and C.S.No.449



of 2007. The Memorandum of Understanding had been brought about through the efforts taken by the learned Mediators. It had been signed by the plaintiffs and by the defendants in both the Testamentary Original Suit and in the Civil Suit.

2.It is also to be noted that the 4th and 5th plaintiffs in C.S.No.449 of 2007 are represented by their power of attorney, the 3rd plaintiff and they are the legal representatives of the 1st plaintiff in C.S.N.449 of 2007 / 1st defendant in T.O.S.No.80 of 2013.

3.The learned counsels have also appended their signatures in the Memorandum of Compromise. The original Power of Attorney granting authority to enter into this compromise had also been annexed along with the Joint Memorandum of Compromise. The parties are also present in Court and they also affirmed the contents of the Memorandum of Compromise and the fact that they had entered into it voluntarily and with knowledge of the contents.



4. In view of the same, the Suit in T.O.S.NO.80 of 2013 is decreed in terms of the compromise and probate is granted to the Will dated 22.11.2004 executed by Late Radha Balasubramani alias Radha Bhai who died on 30.03.2006. The Suit in C.S.No.449 of 2007 is also decreed in terms of the compromise dated 05.06.2025. The Memorandum of Understanding dated 23.05.2025 and the Power of Attorney shall form part of the decree. No costs.

18-08-2025

smv

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

6



C.V.KARTHIKEYAN J.

smv

**TOS No. 80 of 2013
AND CS NO. 449 OF 2007**

18-08-2025