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A.Nos.4424 & 4425 of 2025 in
C.S.No.610 of 2003

Dr.R.N.MANJULA, J.

The learned counsel for the 8th defendant submitted that she has taken out an application to open the locker for the purpose of realizing the terms of the compromise decree.

2. It appears from the judgment dated 19.12.2017 made in O.S.A.Nos.122, 123 & 129 of 2016 that it has been passed on the basis of the terms of compromise agreed between the parties. One of the terms of compromise as seen from the judgment is as under:

“4.5. Furthermore, in so far as the impugned preliminary decree dated 05.04.2013 passed in C.S.No.610 of 2003, is concerned, the same shall stand varied to the extent set out hereafter:

(i) Dr.Vasantha Balakrishnan shall be entitled 30% of the undivided share in “A” schedule property, while the K.Seshadri group will be entitled to 45% of the undivided share in “A” schedule property. The balance 25% of the undivided share in “A” schedule property will vest in Dr.Rukmani Gopal.

(ii) As far as the contents in the bank-locker located at Bank of India, Cathedral Road Branch is concerned, the

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same will be opened and the contents will be divided in three parts, that is, amongst, the K.Seshadri group, Dr.Vasantha Balakrishnan and Dr.Rukmani Gopal.

(iii) Dr.Vasantha Balakrishnan will have no claim to mesne profits or, movables as set out in “B” schedule property as adverted to in C.S.No.610 of 2003.”

3. Despite there being an agreement between the parties that the locker will be opened and its contents will be divided into three parts among the three persons mentioned therein, there is a difficulty in numbering the application filed by the learned counsel for the eighth defendant seeking permission to open the locker. As the suit schedule property does not include the locker as a property, it appears that the applicant could not number the application. So, let the applicant file an application along with the judgment dated 19.12.2017 and on such filing, let the Registry number the application, if the application is otherwise in order and list it before this Court after two weeks for passing further orders.

07.11.2025

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