

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

C.S.No.942 of 2015
and
O.A.No.1284 of 2015

S.Swaminathan ... Plaintiff

Vs

S.Eswaran ... Defendant

Plaint filed under Order IV Rule 1 of O.S. Rules r/w Order VII
Rules 1 and 2 C.P.C.

For Plaintiff : Mr.J.Nandagopal

For Defendant : Mr.P.Udhayashankar

JUDGMENT

The suit is filed for partition and separate possession. The parties are the brothers. Considering the nature of the dispute, by order dated 15.03.2016, the matter was referred to the Mediation and Conciliation Centre. Before the Mediation Centre, the parties have

settled the matter amicably as per the terms cited in the Mediation Agreement and both the parties and their respective counsel signed the mediation agreement. The terms of the mediation agreement dated 06.07.2016 read as under:

"1.The plaintiff and defendant agreed that they have equal share over the suit property. As such each of them is entitled to half share in the suit property and a preliminary decree may be passed accordingly.

2.However, the defendant shall surrender vacant possession of the plaintiff's half share on or before 31.03.2019.

3.The plaintiff agrees to waive his right to mesne profits and costs, provided the defendant complies with clause (2) above.

4.In the meanwhile, the parties agreed to amicably discuss in goodfaith as to the specific manner in which they may each enjoy their respective shares of the suit property, failing which they may move the Court for a final decree for division of property by metes and bounds, by 31.03.2019."

2.In view of the above, there shall be a preliminary decree in

terms of the agreement dated 06.07.2016 recorded by the Mediation and Conciliation Centre. The mediation agreement shall form part of the decree. No costs. Consequently, connected application is closed.

26.09.2016

mmi

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

M.M.SUNDRESH,J

mmi

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