

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM:

THE HONOURABLE MR. JUSTICE **T.S. SIVAGNANAM**

**C.S.No.101 of 2009**

E.Koteeswaran .. Plaintiff

Vs

E.Karthikeyan .. Defendant

**Prayer :** Complaint under Order VII, Rule 1 & 2 of C.P.C., and Order IV Rule 1 of O.S.Rules, praying (i) for declaring that the plaintiff is the only male legal heir entitled to succeed as the trustee for the administration and management of the trust suit property more fully described in the plaint A, B & C Schedule hereunder and consequently, grant an order of permanent injunction restraining the defendant him men, agent and successors in interest from in any manner in interfering with the plaintiff's administration of the suit properties and to pay cost of the suit.

For Plaintiff : Mr. S.Kanniah

For Defendant : Mrs.V.Alamelu

**J U D G M E N T**

Heard Mr. S.Kanniah , learned counsel appearing for

plaintiff and Mrs.V.Alamelu, learned counsel appearing for defendant.

2. The suit was referred for mediation by an order dated 15.03.2016. By the untiring efforts of the dedicated mediators, the parties were able to enter into an agreement dated 05.04.2016. For better appreciation, the entire agreement is quoted herein below:

**MEDIATION AGREEMENT**

Date: 05.04.2016

Mediation Case No. : 222/2016

Case Details : C.S.No.101/2009

Referred by : Hon'ble Mr. Justice  
M.Sathyanarayanan

Date of Order : 15.03.2016

Parties Name : E.Koteeswaran - Plaintiff

Vs.

E.Karthikeyan - Defendant

Counsel Name : M/s.S.Kanniah, R.Balasubramanian  
Advocate for plaintiff  
M/s.A.Alamelu, R.Latha Advocate  
for Defendant

**Both sides, out of their own volition and**

without any pressure or coercion from any side have agreed as follows:

- 1. The Plaintiff is declared as hereditary trustee of the plaint 'A'; 'B'; & 'C' schedule suit properties in terms of the Trust Deed dt. 26.12.1908; 28.05.1913 & 15.05.1952.
- 2. The Plaintiff should take steps in his capacity as trustee to update and for mutation of the Revenue, E.B. and other public records pertaining to the Trust 'A'; 'B'; & 'C' schedule suit properties.
- 3. The Plaintiff should take all possible steps to maintain the Trust properties and submit periodic accounts to the defendant atleast once in three months.

• SD/

E.Koteeswaran  
(Plaintiff)

SD/

E.Karthikeyan  
(Defendant)

SD/

M/s.S.Kanniah, &

R.Balasubramanian  
(Counsel for Plaintiff)

SD/

M/s.A.Alamelu &

R.Latha  
(Counsel for Defendant)

3. Thus, the mediation agreement entered into between the parties dated 05.04.2016, is placed on record and Civil Suit is disposed of in terms of Mediation Agreement dated 05.04.2016. The Mediation Agreement dated 05.04.2016 shall form part of the judgment.

4. In the light of the above settlement, the full Court Fee shall be refunded in favour of the plaintiff.

5. On the suggestion made by this Court to the learned counsel for the plaintiff and the learned counsel for the defendant, the parties have voluntarily come forward to pay a sum of Rs.5,000/- each to the Mediation and Conciliation Centre. The aforesaid payments shall be made to the Mediation and Conciliation Centre within a period of four weeks from the date of receipt of a copy of this order.

Sd/-T.S.S.J  
29.04.2016

//Certified to be a true copy//

Dated this the        day of        2016.  
S.s/22.07.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.