

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **29.04.2016**

CORAM:

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

O.P.Nos.270 & 680 of 2013

P.K.Atmaram .. Petitioner in both OPs

Vs

1.P.Ethirajulu

2.V.Yeshodha

3.Andal @ Pandari Bai

4.P.Narasimhulu

5.Kanchanamala

6.G.Anusuya

7.P.R.Baskar Babu

8.H.Vijayalakshmi .. Respondents in both O.Ps

Prayer in O.P.No.270 of 2013: Petition under sections 232 and 276 of the Indian Succession Act XXXIX of 1925 and under Order XXV Rule 5 of O.S.Rules to issue Letters of Administration with the Will annexed of the properties and credit of deceased may be granted to the petitioner, as younger brother/sole beneficiary/ legatee under the Will of the said deceased having effect, limited to the State of Tamil Nadu, pertaining to the claim of the petitioner may be granted to him.

Prayer in O.P.No.680 of 2013: Petition under section 372 of the Indian Succession Act, under Order XXV Rule 6 of O.S.Rules, praying that a Succession Certificate may be granted to the petitioner herein in the debts specified in the schedule hereunder and to receive the interest, if any due thereon with accrued interest thereof.

For Petitioner : Mr.K.Rajasekaran

For Respondents : Mr.M.Balasubramanian

C O M M O N O R D E R

Heard Mr.K.Rajasekaran, learned counsel appearing for petitioner in both the Original Petitions and Mr.M.Balasubramanian , learned counsel appearing for respondents in both Original Petitions.

2. The Original Petition No.270 of 2013, was referred for mediation by an order dated 30.11.2015. By the untiring efforts of the dedicated mediators, the parties were able to enter into an agreement dated 01.02.2016. For better appreciation, the entire agreement is quoted herein below:

MEDIATION AGREEMENT

Date: 01.02.2016

Mediation Case No	: 1220/2015	
Case Details	: O.P.No.270/2013	
Referred by	: The Hon'ble Mr.Justice K.K.Sasidharan	
Date of Order	: 30.11.2015	
Parties Name	: P.K.Atmaram	– Petitioner
	-Vs-	
	P.Ethirajulu and 7 others	-Respondents
Counsel Name	: M/s.A.Swaminathan &M.R.Gokul Krishnan For petitioners M/s.M.Balasubramanian & Mr.A.Jasper New Prabhu For respondents	

Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:

1. All the respondents have agreed to support the petitioner by filing consent affidavit to grant probate in the above suit in OP No.270/2013.

2. The petitioner has prefer the O.P.No.680/2013 (Succession O.P) for the amounts due to one Late P.Elayalwar pending with

- a. Indian Bank, Egmore, Chennai in Account No.454993024
- b. TNSC Bank Kelleys, Chennai in Account No.215027327
- c. State Bank of India, World University, Service Centre Branch, Chennai-31 in Account No.10021827056.

The petitioner and the respondents have arrived at a settlement in connected matter pending before this Hon'ble Court O.P.No.680/2013 (Succession O.P.).

The petitioner and the respondents 1 to 4 in O.P.No.680/2013 have arrived at a settlement that they shall alone have the right over the above said amounts. Hence the entire amount in O.P.No.680/2013 shall be equally divided between the petitioner and the respondents 1 to 4. (1/5 each)

5. The petitioner has agreed to give and relinquish his 1/5th share in O.P.No.680/2013 in favour of the 1st respondent P.Ethirajulu and 4th respondent P.Narasimhulu.

6. Respondents 5 to 8 have already given their consent in favour of the Petitioner by filing a consent affidavit in the above suits (O.P.No.270/2013 & O.P.No.680/2013), before the Hon'ble High Court during June 2013.

7. With respect to the both the Suits (O.P.No.270/2013 & O.P.No.680/2013), there is no other or further claim against each other.

SD/
P.K.Atmaram
(Petitioner)
(Authorised by his Son
Mr.A.Murali Dhar)

SD/
P.Ethirajulu
V.Yeshodha
Andal @ Pandari Bai
P.Narasimhulu
(Respondents 1 to 4
authorized by Mr.V.V.Jayaprakash)

SD/
Mr.M.R.Gokul Krishnan
(Counsel for petitioners)

SD/
Mr.A.Jasper New Prabhu
(Counsel for Respondents 1 to 4)

3. Thus, the mediation agreement entered into between the parties dated 01.02.2016, is placed on record and the Original Petition is disposed of in terms of Mediation Agreement dated 01.02.2016. The Mediation Agreement dated 01.02.2016 shall form part of the order.

4. On the suggestion made by this Court to the learned counsel for the parties for making voluntary contribution to the Mediation and Conciliation Centre, the petitioner and the respondents in both the Original Petitions have voluntarily come forward to pay, each for a sum of Rs.10,000/- [Rupees Ten Thousand only], to the Mediation and Conciliation Centre, attached to this Court. 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.

29.04.2016

rpa

T.S. SIVAGNANAM, J.
rpa

**O.P.Nos.270 &
680 of 2013**

29.04.2016