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TOS.No.13 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

T.O.S.No.13 of 2009

A.R.Velan Masilamani,
S/o. A.R.Raja Masilamani

... Petitioner

Versus

1. R.Anand,
S/o. A.R.Raja Masilamani

2. R.Shanmugam,
S/o. A.R.Raja Masilamani

3. T.A.Kandaswamy,
S/o. late Ananda Pillai

... Respondents

Prayer in T.O.S.No. 13 of 2009 :- Original Petition for Letters of Administration filed under Sec. 232 and 276 of Indian Succession Act, 1925 and under Order XXV Rule 5 of O.S.Rules, praying that the Letters of Administration with the certified copy of the Will annexed may be granted to him as the grandson and one of the legatee of the Will of the said deceased having effect limited to the State of Tamil Nadu.



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For Petitioner

: Mr.S.Balasubramanian

For Respondents 1 & 2

: Mr.J.R.K.Bhavanandam

JUDGEMENT

Today, the S.A.No.612 of 2014 and T.O.S.No.13 of 2009 are listed under the caption "for being mentioned". By Judgement dated 07.09.2023, this Court passed the common Judgement in both the S.A.No.612 of 2014 as well as the T.O.S.No.13 of 2009 by recording the terms of settlement arrived at between the parties before the Tamil Nadu Mediation and Conciliation Centre, attached to this Court.

2. Now it is submitted by the counsel for the parties that instead of common Judgement passing separate Judgement in both the S.A.No.612 of 2014 as well as T.O.S.No.13 of 2009, will be beneficial to the parties and prayed this Court to pass separate judgement in both the cases.

3. In light to the above submission, Paragraphs 1 and 2 of the Judgement dated 07.09.2023 passed in S.A.N.612 of 2014 and TOS.No.13



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of 2009 are hereby deleted and in the said place, the following paragraphs are ordered to be substituted as the Judgement in TOS.No.13 of 2009 alone.

“Today, when the matter is taken up for hearing, both learned counsel for petitioner and respondents appeared. Already this matter was referred to mediation and the report from the Mediation Centre is received. Before the Mediation and Conciliation Centre of this court, settlement was arrived at amicably between the parties and a settlement agreement was executed by both parties. As per the terms of settlement agreement, the plaintiff and defendants 1 and 2 have settled the issue. Accordingly, the third portion of property as shown in the division plan attached with the settlement agreement was divided. As per the mediation report, all the three parties have agreed for the said division as enclosed in the division plan. The petitioner, respondents as well as their counsels have signed in the settlement agreement.

2. Originally, the suit was filed seeking to furnish the accounts for the rents and profits by the petitioner against the defendants 1 and 2. All are brothers and they were sons of A.R.Raja Masilamani. Now, during the pendency of proceedings, with regard to entire property along with land,



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they have agreed to divide. Accordingly, settlement was

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arrived before the Mediation in the presence of their counsels as well as Mediator. Therefore, the Testamentary Original Suit in T.O.S.No.13 of 2009 is disposed of as per the terms of Settlement Agreement dated 25.07.2022. The Settlement Agreement shall form part and parcel of this judgment. No costs.”

4. Registry is directed to incorporate the above modification and issue fresh order copy to the parties forthwith.

29.02.2024

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