



S.A. No.612 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

S.A. No.612 of 2014

and

T.O.S.No. 13 of 2009

S.A.No.612 of 2014

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

... Appellant

Versus

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

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

... Respondents

Prayer in S.A.No.612 of 2014:- Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree passed in A.S.No. 19 of 2011 on the file of the IV Addl. City Civil Judge, Chennai dated 03.08.2012 reversing the decree and judgment passed in O.S.No.7427 of 2008 on the file of VI Asst. City Civil Judge, Chennai dated 25.06.2010.

1/5



S.A. No.612 of 2014

WEB COPY 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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S.A. No.612 of 2014

For Appellant : Mr.S.Balasubramanian
in S.A.No.612 of 2014

For Respondents 1 & 2
in S.A.No.612 of 2014 : Mr.J.R.K.Bhavanandam

For Petitioner in : Mr.S.Balasubramanian
T.O.S. No.13 of 2009

For Respondents 1 & 2
in T.O.S.No.13 of 2009 : Mr.J.R.K.Bhavanandam

JUDGEMENT

Today, when the matters taken up for hearing, both learned counsel for appellant and respondents appeared. Already these matters were referred to mediation and the report from the Mediation Centre is received. Before the Mediation and Conciliation Centre of this court, settlement was arrived 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

3/5



S.A. No.612 of 2014

appellant, 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 appellant 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, they have agreed to divide. Accordingly, settlement was arrived before the Mediation in the presence of their counsels as well as Mediator. Therefore, this Second Appeal as well as Testamentary Original Suit in T.O.S.No.13 of 2009 are disposed of as per the terms of Settlement Agreement. The said Settlement Agreement dated 25.07.2022 shall form part and parcel of this judgment. No costs.

07.09.2023

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To

VI Asst. Judge,
City Civil Court,
Chennai.

4/5



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S.A. No.612 of 2014

T.V.THAMILSELVI, J.

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S.A. No.612 of 2014
& T.O.S.No. 13 of 2009

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