

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Monday, the 05th day of October, 2015

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)
Presided over by

The Hon'ble Mr.JUSTICE T.N.VALLINAYAGAM(Retd.)
and

Members

Mr. N.Ramachandran
Mrs.Sivakami Shanmugam

A.S.No.354 of 2015

(This Appeal Suit is filed to set aside the decree and judgment dated 23.04.2015 passed in O.S.No.121 of 2011 before the III Additional District & Sessions Court, Cuddalore at Vriddhachalam).

Naseer KhanPlaintiff/Appellant

Vs.

1.Tajunissa
2.M.Abdul Jalal
3.Mohammed Jalaludeen
4.M.K.Arul KumarDefendants/Respondents

This case came up for settlement before the Lok Adalat.Ms.R.Meenal, learned counsel for the appellant and Mr.L.Palanimuthu, learned counsel for respondents 3 and 4 are present.

TERMS OF SETTLEMENT

Both the parties to the Memo and their respective counsel are present.

2. This is an appeal against the decree of dismissal of the suit for declaration and injunction. It appears that the defendants 1 and 2 filed a counter claim for the southern half portion of the property and defendants 3 and 4 have also filed a counter claim in respect of southern half.

3. The suit as well as the counter claims have been dismissed. Now a memo of compromise is filed by the plaintiff and defendants 3 and 4. It is seen that the scheduled property was originally purchased by Sikkandar Hayath Khan and his wife, Rahimunnisa and both

of them have settled the property in favour of the plaintiff on 21.08.2007.

4. It is seen that subsequent to the settlement, defendants 1 and 2 claiming to be entitled to the one half of the property sold the same to defendants 3 and 4.

5. The defendants 3 and 4 realised that their vendors do not have right over the property in view of the earlier settlement dated 21.08.2007 registered document No.3159/2007 on the file of the First Joint Registrar, Vriddhachalam. Therefore, they have come forward to release the southern portion of the property, which is purchased as above in favour of the plaintiff himself. A copy of the release deed is filed along with the compromise memo. The release deed is attested by the defendants 1 and 2 in confirmation of the passing of title in favour of the plaintiff.

6. Therefore, in the compromise reference has been made only to the southern half of the property. Combining the release deed, which is registered as document No.3225 of 2015 on the file of the First Joint Sub Registrar, Vriddhachalam and the memo of compromise signed by the defendants 3 and 4, the schedule to the compromise contains the whole of the property. Thus, the compromise memo is recorded declaring the title of the plaintiff in respect of the whole of the property mentioned in the schedule to the compromise memo and granting injunction as prayed for.

7. In view of the fact that the release deed has been executed by the defendants 1 and 2, the signatures of defendants 1 and 2 to the compromise memo is not necessary and consequently, dispensed with. Award is passed accordingly. Consequently, connected miscellaneous petition, if any, is closed.

8. In view of the compromise, the plaintiff/appellant is entitled to refund of entire court fee paid in the appeal. The refund order shall be given in the name of the plaintiff and handed over to him on being identified by his learned counsel.

Naseer Khan

Counsel for the Appellant

Mohammed Jalaludeen

M.K.Arul Kumar

Counsel for respondents 3 & 4.

The full Court fee paid shall be refunded to the appellants in the manner provided under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and the Court Fees Act, 1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994.

-sd
Member

-sd
Judge

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Member

-sd/-
Assistant Registrar(cs-II)

//True copy//

Sub Assistant Registrar

To: The parties/Advocate concerned

Copy to:

1. The III Additional District & Sessions Court, Cuddalore at Vriddhachalam.
2. The Secretary, High Court Legal Services Committee, Chennai.
3. The Section Officer, V.R.Section, High Court, Madras.
4. The Section Officer, Lok Adalat Section, High Court, Madras. (+2 copies)

Gv

TEJ(co)
cp 09/10/2015

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