

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-08-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

C.M.A. Nos. 1755 and 2466 of 2011
and
M.P. No. 1 of 2011

1. P. Lingappan
2. L. Dhanasekar
3. V. Sivakami

... Appellants/Defendants
in both the Appeals

Versus

C. Chockalingam ... Respondent/Plaintiff in CMA 1755/11

V. Kalaimathi ... Respondent/Plaintiff in CMA 2466/11

CMA No. 1755 of 2011:- Appeal filed under Order 43 Rule 1 of Civil Procedure Code praying to set aside the fair and final order dated 05.04.2011 passed in I.A. No. 1005 of 2008 in O.S. No. 174 of 2005 on the file of I Additional District Court, Erode.

CMA No. 2466 of 2011:- Appeal filed under Order 43 Rule 1 of Civil Procedure Code praying to set aside the fair and final order dated 05.04.2011 passed in I.A. No. 1006 of 2008 in O.S. No. 176 of 2005 on the file of Principal District Court i/c, I Additional District Court, Erode.

For Appellants : Mr. A.K. Kumarasamy
in both the appeals

For Respondent : Mr. V.S. Kesavan
in both the appeals

COMMON JUDGMENT

These Civil Miscellaneous Appeals were referred for mediation to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

2. A communication dated 23.07.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras,

enclosing a copy of its report dated 17.06.2015 has been received, wherein it is stated as follows:-

"Both the parties appeared before the Centre along with their Counsel. Parties arrived at an amicable settlement as per the terms in the Memo of Settlement enclosed herewith. Hence, the matter is sent back to the Hon'ble Court."

3. As the parties have arrived at a settlement in terms of the agreement entered into between them before the Tamil Nadu Mediation and Conciliation Centre, these Civil Miscellaneous Appeals are listed for passing an order in terms of the settlement.

4. As per the Mediation report dated 17.06.2015, the appellants as well as the respondent in both the appeals have arrived at a compromise and it was reduced in to writing. The terms and conditions of the agreement has been duly signed by the parties in the presence of witnesses which reads as follows:-

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

1. The appellants have discharged the entire mortgage amount as per the mediation interim agreement

2. The respondent agrees to execute and register deed of cancellation of the alleged mortgage deeds within 30 days

3. The parties agree to set aside the ex-parte decree, on such restoration the plaintiff shall be entitled to get refund of entire court fees.

4. There is no or further other claim between the parties with respect to the suit mortgages."

5. As the parties have arrived at a compromise, in appreciation of the mediation process, the parties have voluntarily agreed to pay some amount to the Tamil Nadu Mediation and Conciliation Centre attached to this Court. The appellants agreed to deposit a sum of Rs.5,000/- and the respective respondents have agreed to deposit Rs.15,000/- each, totalling Rs.30,000/- to the credit of Tamil Nadu Mediation and Conciliation Centre, attached to this Court within a period of three weeks from the date of receipt of a copy of this judgment. The said statement is recorded.

6. Having regard to the fact that the appellants as well as the respective respondent have entered into a memorandum of compromise, in terms of the settlement arrived at between the

parties which is recorded under the Mediation Agreement by the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras in its Report dated 17.06.2015, these Civil Miscellaneous Appeals are disposed of recording the said compromise. The Mediation Agreement and the report of the Mediation Centre shall form part of this order.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rsh

To

- 1.The Principal District Judge i/c,
I Additional District Judge,
Erode.
- 2.The I Additional District Judge,
Erode.
- 3.The Secretary,
TamilNadu Mediation and Conciliation Centre,
High Court, Madras.

+1cc to Mr.V.S. Kesavan, Advocate, S.R.No.40866
+1cc to Mr.A.K. Kumarasamy, Advocate, S.R.No.41009

CMA Nos. 1755 & 2466/2011

JSV(CO)
CA(01/12/2015)

सत्यमेव जयते

WEB COPY