

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **17.12.2015**

CORAM :

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

C.R.P.(NPD) No.3682 of 2014

D.Deepalakshmi

.. Petitioner

vs.

1. D.Balaji

2. Sasikala

3. Vittobai

4. Kumidhini

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 08.07.2014 passed by the learned XV Assistant Judge, City Civil Court, Chennai in I.A.No.15207 of 2013 in O.S.No.10417 of 1996.

For Petitioners : M/s.Achari and Antoni

For Respondents : Mr.N.Anand Venkatesh
for RR1 to 3

Mr.P.Pari for R4

ORDER

This Civil Revision Petition is filed against the order dated 08.07.2014 passed by the learned XV Assistant Judge, City Civil Court, Chennai in I.A.No.15207 of 2013 in O.S.No.10417 of 1996.

2. This Civil Revision was referred for mediation to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras by the order of this Court, dated 09.01.2015.

3. A communication dated 15.12.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its Mediation Report, dated 20.11.2015 has been received, and in the said Mediation Report, it is stated as follows:-

"Counsel for the petitioner is present. The 1st respondent and his counsel are present. It is reported by both the counsels and the parties that the amount agreed in the Mediation Agreement dated 26.03.2015, has been paid by the respondents 1 to 3 to the petitioner. The amount agreed was Rs.22,00,000/-[Rupees twenty two lakhs only]. Initial amount of Rs.50,000/- [Rupees fifty thousand only] was paid on 15.07.2015 before mediation by way of cheque. The balance amount of Rs.21,50,000/- [Rupees twenty one lakhs fifty thousand only] has been paid by way of D.D.No.001776 dated 17.11.2015 drawn on Axis Bank Ltd., Chennai in favour of the petitioner and the same has been recorded in the trial Court in final decree application in I.A.No.4340 of 2015 and 2786 of 2011 in O.S.No.417 of 1996 on the file of XV Assistant City Civil Court on 18.11.2015. Hence the matter is settled as per the Mediation Agreement entered into and the matter may be posted before the Court for recording the same."

4. As the parties have arrived at a settlement in terms of the Mediation Agreement dated 26.03.2015 entered into between the parties, this petition is listed today for passing of an order in terms of the said Agreement.

5. The Mediation Agreement, signed by the parties and their respective counsel 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 present CRP has been filed by Miss Deepalakshmi who is the plaintiff in the suit and the petitioner herein against the order in I.A.15207 of 2013 in O.S.10417 of 1996, challenging the fixation of market value of the plaintiff 1/4th share in the suit schedule mentioned property by the trial court. After discussions the parties have come for mediation.

2. The parties have agreed to resolve and settle the dispute and also to put an end to all their controversies between them with respect to the suit schedule mentioned property before the mediation today and the full and final settlement runs as follows.

3. The respondents 1 to 3 herein who are defendants 1 to 3 in the partition suit have hereby agreed to pay a sum of Rs.22,00,000/- exclusive of tax to the petitioner as full and final settlement towards the plaintiffs share in the suit schedule mentioned property and there will not be any further future claims with respect to the suit schedule mentioned property by the Petitioner/Plaintiff.

4.The petitioner admits and accepts the above said sum of Rs.22,00,000/- exclusive of tax as full and final settlement towards the suit schedule mentioned property.

5.The settlement hereby resolves all disputes between the parties and there shall not be any further claim with reference to the suit schedule mentioned property between the parties.

6.The mode and schedule of payment agreed between both the parties shall be the respondents 1 to 3 herein who are defendants 1 to 3 as full and final settlement towards the suit claim will pay the agreed sum of Rs.22,00,000/- exclusive of tax within 3 months as single payment by way of Demand Draft to the petitioner in her name.

7. It is hereby agreed that after the receiving the sum of Rs.22,00,000/- the petitioner agrees to withdraw the above CRP and suit pending before the XV Assistant City Civil Court at Chennai with respect to the suit schedule mentioned property. It is clarified that only on acknowledgment of payment by the petitioner herein of the above specified sum of Rs.22,00,000/- within three months, the respondents 1 to 3 will be at liberty to proceed further with the suit schedule mentioned property.

8. It is made clear that pending the payment of Rs.22,00,000/- exclusive of tax by the respondents 1 to 3 herein to the petitioner herein, the respondents shall not alienate the suit schedule mentioned property.

9. It is hereby agreed that if the respondents 1 to 3 fails to make the full and final payment within the said period of 3 months i.e, on or before 24.06.2015 the petitioner herein is at liberty to deal with her 1/4th share of the suit schedule mentioned property independently without any intervention from the respondents 1 to 3.

10. It is hereby agreed that all disputes between the parties with respect to the suit schedule mentioned property is hereby resolved and that there shall not be any further claim whatsoever in any manner and it is clarified that the payment shall be full and final settlement towards the entire claim with respect to the suit schedule mentioned property."

6. In terms of the settlement arrived at between the parties which is recorded under the Mediation Agreement between the parties in terms of the report dated 20.11.2015 from the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, this Civil Revision Petition is disposed of recording the terms of the Mediation Agreement. The terms of the Mediation Agreement and the report of the Mediation Centre shall form part of the order.

7. Both parties, in view of the settlement arrived at between the parties and for the benevolent task taken up by the Mediation Centre, in settling the matter had volunteered to pay certain amount to the Mediation and Conciliation Centre, High Court, Madras. The petitioner as well as the

respondents volunteered to pay a sum of Rs.10,000/- [Rupees ten thousand only] each to the Mediation and Conciliation Centre, High Court, Madras and the same shall be paid by them within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, this Civil Revision Petition is disposed of. No costs.

17.12.2015

vj2

Index: Yes/No

Internet: Yes

To

The XV Assistant Judge, City Civil Court, Chennai

B.RAJENDRAN,J.
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