

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM

THE HON'BLE MR.JUSTICE **B.RAJENDRAN**

C.S.No.151 of 2015

B.Meenakshi

.. Plaintiff

vs.

A.Balavelayudham

.. Defendant

Plaint filed under Order XIV Rule 8 of O.S.Rules and r/w
Order XXXIX Rule 1 & 2 of CPC.

For Plaintiff

: Mr.T.Velumani

JUDGMENT

This suit was referred for mediation to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

2. A communication dated 14.10.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 06.10.2015 has been received, wherein it is stated as follows:-

*"Plaintiff and Defendant appeared before
the Center along with their Counsel and settled*

the dispute amicably between them before the Mediation Centre as per the terms in the Mediation Agreement 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 Mediation Agreement dated 06.10.2015, this suit is listed for passing of an order in terms of the settlement.

4.The Mediation Agreement dated 06.10.2015, 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 Defendant agrees to settle 1/3rd UDS of Schedule Property (Ground Floor) to the Mr.B.Sukumar, 2nd Son fo Defendant retaining right of residence to himself and Plaintiff.

2.The Defendant has already paid a sum of Rs.30,00,000/- (Rupees Thirty Lakhs Only) which the plaintiff acknowledge the same.

3.The Defendant agrees to give all the gold jewellery now in his custody to the Plaintiff (The Jewellery now retained by him in the locker).

4.The Plaintiff agree to withdraw M.P.No.6278/2012 pending before the XVIII Metropolitan Magistrate, Saidapet, Chennai."

5. In terms of settlement arrived at between the parties which is recorded under the Memorandum of Compromise by the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras in its Report dated 06.10.2015, this Civil Suit is decreed, recording the Mediation Agreement. The Mediation Agreement and the report of the Mediation Centre shall form part of this Judgment.

6. In view of the settlement arrived at between the parties, the plaintiff is entitled to get back the full amount of Court fee as per Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation (Amendment) Act, 2007 (T.N.Act No.44/2007), which provides that "where the Court refers the parties to the suit to any one of the modes of settlement of dispute referred to in Section 89 of the Code of Civil Procedure, 1908 (Central Act V of 1908), the plaintiff shall be entitled to a certificate from the Court authorising her to receive back the full amount of fee paid in respect of such plaint if the dispute referred by the Court is settled". Therefore, the plaintiff is directed to obtain necessary authorization certificate from the Court in order to get back the full amount of the Court fee paid by him in respect of the suit.

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. Both the parties volunteered to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each and the same shall be paid by them within a period of four weeks from the date of receipt of a copy of this order.

15.10.2015

smi

B.RAJENDRAN, J.,

smi

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15.10.2015