

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2015

CORAM

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Civil Suit No. 947 of 2010

1. Miss. S. Rose
2. Miss. S. Susan (Minor)
represented by her mother/
natural guardian
Miss. Rose/1st Plaintiff

.. Plaintiffs

Versus

Mr. Johnson Devasay

.. Defendant

Plaint filed under Order VII Rule 1 of Civil Procedure Code read with Order IV Rule 1 of Original Side Rules praying to pass partitioning the suit property more particularly described in the schedule and allowing 2/3 share of the suit property to the 1st and 2nd plaintiffs.

For Plaintiffs : Mr. J. Rajendra Prasad
For Defendant : Mr. R. Munusamy

JUDGMENT

The above Civil Suit was referred to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

2. A communication dated 02.06.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 28.04.2015 has been received, wherein it is stated as follows:-

"Both the parties appeared before the Centre along with their counsel. Matter has been settled between them as per the terms cited in the Memorandum of Understanding enclosed. Hence, the matter is sent back to the Honourable Court."

3. The Mediation Agreement dated 28.04.2015 recorded before the Tamil Nadu Mediation and Conciliation Centre would indicate that the plaintiffs and the defendant have arrived at a compromise. The mediation agreement dated 28.04.2015 has been duly signed by the parties 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. Since the suit property is incapable of division according to the parties, they agree to sell the property by private sale.

2. The parties are agreeable to sell the property to Mr. R.V. Sathyanarayana Raju for a sum of Rs.1 Crore and 10 lakhs and purchaser has also agreed to purchase the same for the said price of Rs.1 crore and 10 lakhs.

3. Out of the said sale consideration of Rs.1 crore and 10 lakhs, parties have agreed that the plaintiffs 1 and 2 will be entitled to Rs.55 lakhs and the defendant will be entitled to the remaining Rs.55 lakhs.

4. Out of the Rs.55 lakhs which the plaintiffs 1 and 2 will be entitled to, a sum of Rs.30 lakhs will be deposited in Central Bank of India, Mount Road Branch on a fixed deposit for a period of 3 years and the 1st plaintiff will be entitled to withdraw the quarterly interest that accrues on the fixed deposit for the maintenance of minor, the 2nd plaintiff.

5. The 2nd plaintiff on attaining majority will be entitled to withdraw the amount deposited in her name.

6. Counsels appearing for the parties certify that the above compromise is in the interest and welfare of the minor.

7. The purchaser agrees and undertakes to pay the entire sale consideration at the time of registration of the sale deed which shall be done within 10 days of the date of recording of the mediation agreement by the Court.

8. The parties agree to deliver possession of the property to the purchaser on the date of registration of the sale deed."

4. As the plaintiffs and the defendant have entered into a settlement which was duly recorded before the Tamil Nadu Mediation and Conciliation Centre in their report dated 28.04.2015, this Civil Suit is ordered on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

04.06.2015

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B. RAJENDRAN, J

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