

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2015

CORAM :
THE HONOURABLE MR.JUSTICE B.RAJENDRAN

C.S.No.584 of 2012

and

O.A.No.749 of 2012

R.Chandrasekar ... Plaintiff

vs.

1. K.M.Balaji

2. Namathu Veera Muzhakkam
(a fortnightly magazine)
by its Editor & Publisher
K.M.Balaji

... Defendants

Plaint filed under Order IV Rule 1 of O.S. Rules read with Order VII Rule 1 C.P.C. praying for permanent injunction restraining the first defendant herein, his agents, men, servants or any other person or persons claiming under or through him from making or publishing any further allegations against the plaintiff and also from publishing in the forthcoming issues of the magazine Namathu Veera Muzhakkam, any matter involving the plaintiff without the prior permission and approval of the plaintiff in writing for such matter to be published and for costs.

For Plaintiff : Mr.J.Thilagaraj

For Defendant : Mr.T.Mathi

J U D G M E N T

This Civil Suit is filed praying for permanent injunction restraining the first defendant herein, his agents, men, servants or any other person or persons claiming under or through him from making or publishing any further allegations against the plaintiff and also from publishing in the forthcoming issues of the magazine Namathu Veera Muzhakkam, any matter involving the plaintiff without the prior permission and approval of the plaintiff in writing for such matter to be published and for costs.

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

3. A communication dated 16.06.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 18.03.2015 has been received, wherein it is stated as follows:-

"Both parties appeared before the Centre along with their Counsel. Matter has been settled between them as per the terms cited in the Mediation Agreement enclosed. Hence, the matter

is sent back to the Hon'ble Court."

4. As the parties have arrived at a settlement in terms of the Mediation Agreement dated 18.03.2015, this Civil suit is listed for passing of a judgment in terms of the Agreement.

5. The Mediation Agreement dated 18.03.2015, signed by the plaintiff and the defendant and their respective counsel reads as follows:-

"MEMORANDUM OF COMPROMISE"

I. *The above suit was filed by the plaintiff seeking an amount of Rs.50,00,000/- (Rupees fifty lakhs only) as damages for defamation from the first defendant in the wake of an article titled 'Sondha Katchikke Soonyam Vaikkum Arasiyalvathi - Kumurum Katchi Visuvasigal' published in the fortnightly magazine 'Namathu Veera Muzhakkam' Issue No.20 of Volume 3 dated June 16-30,2012.*

II. *The matter was referred to the Tamil Nadu Mediation and Conciliation Centre for deriving at an amicable settlement. Owing to the effective mediation*

procedure and constructive negotiations, a compromise was reached between the plaintiff and the defendants. The first defendant agreed to publish the clarification/repudiation of the plaintiff in a prominent manner in his magazine. Accordingly, the clarification / repudiation of the plaintiff vis-a-vis the above referred article was published in the magazine *Namathu Veera Muzhakkam* in the issue dated October 1-15 of 2014.

III. In view of the said publication of the clarification / repudiation of the plaintiff, the plaintiff has agreed to give up his claim and to withdraw the suit. The terms and conditions of compromise, as mutually agreed by the parties, are produced herebelow.

1. The plaintiff is satisfied with the publication of his clarification / repudiation in the issue dated October 1-15 of 2014 of the magazine *Namathu Veera Muzhakkam*.
2. The plaintiff agrees to give up his claim of damages, and he further agrees to

withdraw the suit C.S.No.584 of 2012."

6. In terms of the settlement arrived at between the parties which is recorded in terms of the Mediation Agreement dated 18.03.2015 from the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, this Civil Suit is disposed of recording the terms of Mediation Agreement. The terms of the Mediation Agreement and the report of the Mediation Centre shall form part of the judgment. Refund of Court fee to the Plaintiff, permissible under Section 69-A of the Tamil Nadu Court Fees & Suits Valuation Act, 1955 the rules, is ordered, subject to eligibility. Consequently, connected application is closed.

MRA

18.06.2015

सत्यमेव जयते

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B.RAJENDRAN,J.

MRA

To :

The Assistant Registrar,
Tamil Nadu Mediation and Conciliation Centre,
High Court of Madras,
Chennai 600 104.



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