

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-08-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Writ Petition No. 27581 of 2012

S. Bala Janaki
having office at
Pandu Klix Plaza
Suit No.27 C & D, III Floor
New No.330, Old No.158,
Thambu Chetty Street
Chennai - 600 001 .. Petitioner

Versus

The Manager
National Insurance Company Limited
751, Anna Salai, III Floor
Chennai - 600 002 .. Respondent

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to pay the total court fee of Rs.7,39,090/- payable by the petitioner along with the interest within the stipulated time fixed by this Court pursuant to the representation dated 14.10.2011.

For Petitioner : Mr. T. Muruganantham

For Respondent : Mr. S. Arun Kumar

ORDER

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

2. A communication dated 28.01.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 23.12.2014 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 Mediation Agreement enclosed. 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, this Writ Petition is listed for passing an order in terms of the settlement.

4. As per the Mediation report dated 23.12.2014, the petitioner as well as the respondent have arrived at a compromise and it was reduced in to writing. The terms and conditions of the compromise has been duly signed by the parties in the presence of witnesses wherein it was stated as follows:-

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

1. The petitioner agreed to receive a sum of Rs.1,15,000/- (Rupees One Lakh Fifteen Thousand Only) in full quit as against the claim of Rs.7,30,090/- with interest and cost and after reconciliation of accounts and files. The respondent has agreed to pay the said amount of Rs.1,15,000/- in full quit. Petitioner has agreed to relinquish her rights towards the professional fees and expenses in all the matters, if any, against the respondent M/s. National Insurance Company Limited.

2. The amount of Rs.1,15,000/- (Rupees One Lakh and Fifteen Thousand Only) is paid by way of Cheque No.471930 dated 19.12.2014, drawn on State Bank of India, Chennai in favour of Mrs. S. Balajanaki/Petitioner and the petitioner acknowledges the receipt of the same."

5. As the mediation between the parties fructified, in which the respondent had benefitted in settling the amount to petitioner as against the total claim, in appreciation of the mediation process, the respondent has agreed to pay some amount to the credit of Tamil Nadu Mediation and Conciliation Centre, attached to this Court. Accordingly, the respondent voluntarily agreed to deposit a sum of Rs.10,000/- to the credit of Tamil Nadu Mediation and Conciliation Centre attached to this Court. The said statement is recorded. Such payment of Rs.10,000/- shall be made by the respondent within a period of two weeks from the date of receipt of a copy of this order.

6. Having regard to the fact that the petitioner as well as the 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 23.12.2014, this Writ Petition is disposed of recording the said compromise. The Mediation Agreement and the report of the Mediation Centre shall form part of this order.

Sd/-
Asst.Registrar (CO)

/true copy/

rsh

To

The Manager,
National Insurance Company Limited,
751, Anna Salai, III Floor,
Chennai 600 002.

+1 cc to Mr.T.Muruganantham, Advocate, sr.41057

WP No. 27581 of 2012

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kra 08.12.2015



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