

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee

Tuesday, the 18th day of October 2016

LOK ADALAT ORDER

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)
Presided over by
The Hon'ble Mr.JUSTICE P.THANGAVEL (Retd.)

and

Members

Mr.M.Abdul Malik
Mr.M.Suresh Kumar

S.A.No.1054 of 2014 and M.P.No.1 of 2015

Prayer : This Second Appeal is filed against the judgment and decree passed in A.S.No.52 of 2012 dated 10.03.2014 on the file of the Court of Principal Sub-ordinate Judge, Mayiladuthurai in reversing the judgment and decree passed in O.S.No.228 of 2010 dated 27.02.2012 on the file of the Court of Additional District Munsif, Mayiladuthurai.

K.S.O.High School,
Manganallur,
Represented by its Secretary,
Manganallur Village,
Mayiladuthurai Taluk,
Nagapattinam District.

.. Appellant/ Plaintiff

Vs.

Sadhasivam

.. Respondent/ Defendant

This case came up for settlement before the Lok Adalat. Mr.A.Muthukumar, learned counsel for the appellant and Mr.S.Sarath Chandran for Mr.K.M.Vijayan Associates, counsel for the respondent are present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

TERMS OF SETTLEMENT

The appeal in S.A.No.1054 of 2014 on the file of the High Court, Madras preferred against the judgment and decree dated 10.03.2014 in A.S.No.52 of 2012 pending on the file of the Principal Subordinate Judge, Mayiladuthurai reversing the judgment and decree passed in O.S.No.228 of 2010 on the file of the Court of Additional District Munsif, Mayiladuthurai on 27.02.2012 has been referred to Lok Adalat for conciliation today.

2. The appellant/plaintiff assisted by counsel and respondent/defendant assisted by counsel are present before the Lok Adalat today for conciliation.

3. The appellant as plaintiff has filed the suit for declaration and permanent injunction with regard to the suit property restraining the respondent/defendant in any way interfering with the peaceful possession and enjoyment of the demised property.

4. Admittedly, the Trial Court, after considering the materials based before it, has decreed the suit as prayed for on 27.02.2012. Aggrieved over the judgment and decree passed by the Trial Court, the defendant as appellant has preferred an appeal in A.S.No.52 of 2012 on the file of the Principal Subordinate Judge, Mayiladuthurai and the First Appellate Court was pleased to reverse the judgment and decree of the Trial Court after hearing both sides on 10.03.2014.

5. Aggrieved over the judgment and decree passed in A.S.No.52 of 2012 by the First Appellate Court, the plaintiff as appellant has come forward with this second appeal in S.A.No.1054 of 2014 on the file of the High Court, Madras.

6. Today, both the parties, assisted by their respective counsel have compromised the dispute between them and made joint endorsement on the Memorandum of Grounds of appeal and counter signed by the respective counsels. The terms and conditions in the Joint endorsement are read over to both the parties and explained in Tamil and admit the same as correct. Hence, the joint endorsement is recorded by Lok Adalat.

6A. The Joint endorsement made by both parties are as follows:-

" The appellant and respondent have settled their dispute amicably and request this Hon'ble Lok Adalat to pass a decree on the following terms:-

1. The respondent here by agreed that the appellant/plaintiff's is the absolute owner of the suit property and the respondent will not

interfere with the appellant/plaintiff's possession of the suit property.

2. The appellant/plaintiff's has agreed to pay respondent/defendant Rs.3,00,000/- (Rupees Three Lakhs only) in lie of the respondent/defendant gives up his alleged right, title or interest in the suit property.

3. The appellant/plaintiff's pays Rs.1,00,000/- (Rupees one lakh only) by way of cash today. The respondent/defendant acknowledges the receipt of the said amount.

4. The respondent/defendant is entitled to withdraw Rs.2,00,000/- (Rupees two lakhs only) deposited by the appellant/plaintiff's as per the order of the High Court dated 11.11.2014 to the credit of O.S.No.228 of 2010 on the file of the Court of Additional District Munsif, Mayiladuthurai towards the balance amount.

5. The appellant/plaintiff's shall have no objection for the respondent/defendant to withdraw the said amount of Rs.2,00,000/- (Rupees Two lakhs only) from the court of Additional District Munsif, Mayiladuthurai.

6. The parties have agreed to bear their respective cost."

7. In view of the Joint endorsement referred to above, the Lok Adalat hereby declare and decree that there will be an award in this second appeal in terms of joint endorsement made on the Memorandum of Grounds of Appeal and referred to above. The Joint endorsement made as mentioned above will form part of this award.

8. A sum of Rs.1,00,000/- (Rupees One Lakh only) has been paid in cash by the appellant to the respondent today before the Lok Adalat and the said amount was received by the respondent as mentioned in the joint endorsement. Admittedly, the appellant had deposited a sum of Rs.2,00,000/- (Rupees Two Lakhs only) before the Competent Court and the respondent is entitled to withdraw the above said amount as agreed by the appellant herein immediately towards the settlement of the amount due to the respondent from the appellant. Award is passed accordingly. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

9. The full Court fee shall be refunded to the appellant in the manner provided under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and the Court Fees Act,

1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994 and there shall be no demand for additional Court fee.

Sd/
K.S.O.High School,
Manganallur,
Represented by its Secretary,
Manganallur Village,
Mayiladuthurai Taluk,
Nagapattinam District.

Sd/
Counsel for the Appellant

Sd/
Sadhasivam

Sd/
Counsel for the Respondent

Sd/
Judge

Sd/
Member

Sd/
Member

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To:
The parties/Advocate concerned
Copy to:

- 1.The Principal Sub-ordinate Judge, Mayiladuthurai.
2. The Additional District Munsif, Mayiladuthurai.
- 3.The Secretary, High Court Legal Services Committee, Chennai.
- 4.The Record Keeper, VR Section, High Court, Madras.
- 5.The Section Officer, Lok Adalat Section, High Court, Madras.

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