

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Tuesday, the 25th day of October, 2016

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)
Presided by

Hon'ble Mr.JUSTICE M.THANIKACHALAM(Retd.)
and

Members:

Mr.I.Richard
Ms.S.Sridevi

S.A.No.586 of 2014

(Second Appeal is filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 17.12.2013 passed in A.S.No.26 of 2011 on the file of the Subordinate Judge, Tiruvallur, reversing the judgment and decree dated 12.4.2011 in O.S.No.131 of 2006 on the file of the District Munsif, Tiruvallur).

1.Gazalakhanam (died)
2.M.H.Dawood Sheriff

..Appellants/plaintiffs

/vs

1.A.Zeenathunisa
2.M.H.Rizwan Sheriff
3.M.H.Nazhiatha Begum
4.Additional Elementary Educational Officer,
Ikkadu.

..Respondents/Defendants

This case came up for settlement before the Lok Adalat. The appellant/party-in-person alone is present.

JUDGMENT

One Hussain Sahrieff was employed in the third respondent's Office as Teacher. He died intestate. There was a dispute between the plaintiffs, in O.S.No.131 of 2006, and the defendants claiming legalheirship and retirement benefits. After contest, a decree was granted in favour of the plaintiffs viz., Gazalakhanam and M.H.Dawood Sheriff, which was appealed,

allowed, resulting the second appeal by the plaintiffs. The first plaintiff died and her son M.H.Dawood Sheriff appears to be recorded as legal heir of the deceased first plaintiff Gazalakhanam.

2. Meanwhile, the second plaintiff, who was recorded as legal heir of the first plaintiff, approached the Educational Institutions and obtained an order favouring arrears, family pension and other benefits. The second plaintiff Dawood Sheriff/in-person made a representation that he had also received the eligible amount and in view of the same, the appeal become infructuous. Though for settlement, the cases were adjourned number of times, the second plaintiff/appellant alone present. The respondents/defendants always absent.

3. Considering the change of circumstances and the nature of relief sought for and the nature of relief obtained during the pendency of the case from the year 2006, the only appellant M.H.Dawood Sheriff made an endorsement in the memorandum of appeal that the appeal may be dismissed as infructuous preserving his other rights, if any, to be established in the pending proceedings, which appears to be a reasonable and sensible, thereby he saves time and money. Accepting the endorsement, recording the same, the Second Appeal is dismissed as infructuous. No costs.

Sd/-
Judge

Sd/-
Member

Sd/-
Member

Sd/-
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To
The parties/Advocate concerned

Copy to:

1.The Subordinate Judge,
Tiruvallur.

2.The District Munsif,
Tiruvallur.

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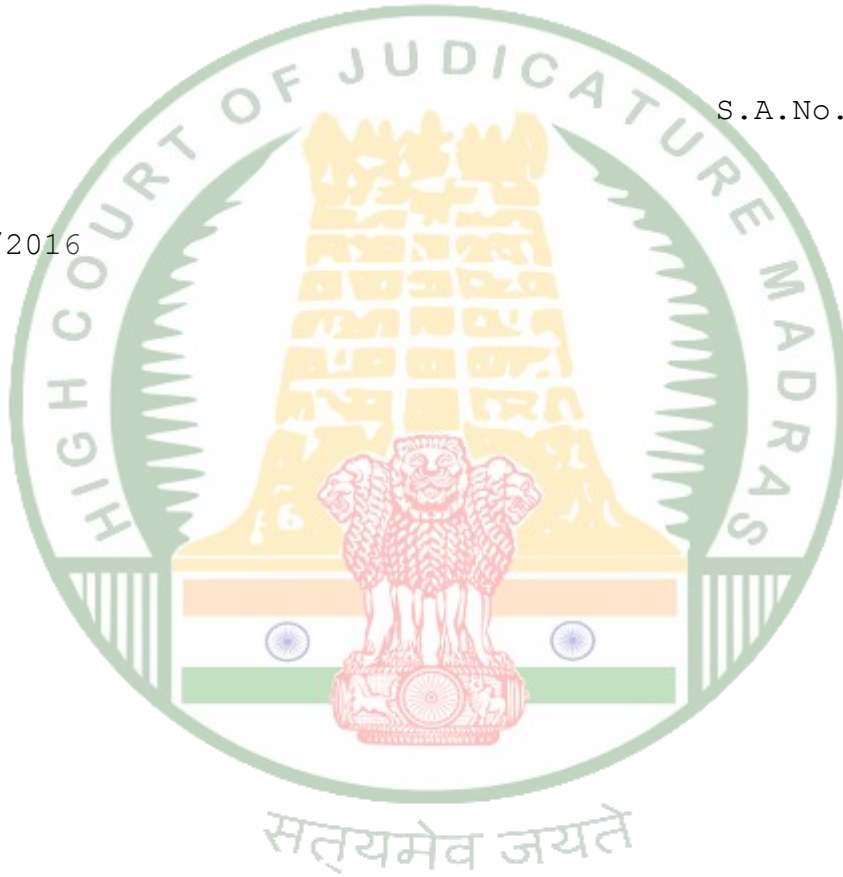
3.The Secretary,
High Court Legal Services Committee,
Chennai.

4.The Section Officer,
V.R.Section,
High Court, Madras.

5.The Section Officer,
Lok Adalat Section,
High Court, Madras. +2Copies.

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