

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Civil Suit No. 315 of 2011

Mrs. Leela Sai Prasad

.. Plaintiff

Versus

C.R. Parthasarathy

.. Defendant

Plaint filed under Order IV Rule 1 of the High Court Original Side read with Order VII Rule 1 of CPC praying for a grant of a decree of partition of the schedule mentioned properties by metes and bounds and to allot 50% share each in the schedule mentioned property; declaration to declare the settlement deed dated 28.03.2007 executed by the plaintiff's late father, in favour of the defendant and registered as document No.155 of 2007 before the Sub-Registrar, George Town as null and void; to appoint an advocate commissioner with direction to measure and divide the suit property into 50% shares, as per the preliminary decree and for a consequential injunction restraining the defendant, his men, servant, from in any way changing the nature and character of the suit property or alienate or mortgage the suit property or enter into any sale agreement with any third properties or encumber the same and for costs.

For Plaintiff	:	Mr. Imithiaz Ahamed
For Defendant	:	Mr. T.S. Bhaskar

JUDGMENT

This Civil Suit was referred to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras to explore the possibility of a settlement of the dispute between the parties.

2. A communication dated 25.01.2016 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 17.12.2014 has been received, wherein it is stated as follows:-

"Both parties appeared before the Centre along with their Counsel. Parties arrived at an amicable settlement as per the terms in the Mediation Agreement and Release Deed (Photo copy enclosed) filed by both the parties. Hence, the matter is sent back

to the Honourable Court."

3. As per the Mediation report dated 17.12.2014, the dispute has been amicably settled between the plaintiff and the defendant and the terms of settlement has been duly recorded in the Mediation report, 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. Plaintiff and Defendant settled the disputes amicably between them before the Tamil Nadu Mediation and Conciliation Centre.

2. Plaintiff/Leela Sai Prasad has released the "Deed of Release" registered as document No.506 of 2014 in favour of C.R. Parthasarathy/defendant and the copy of the same is enclosed.

3. Plaintiff and defendant agreed that they did not have any other claims against each other.

4. Thus, as per the terms of settlement arrived at by both sides, which was duly recorded in the mediation agreement dated 17.12.2014 and signed by the plaintiff, defendant and their respective counsel, the dispute has been amicably settled between the parties.

5. Today, when the Civil Suit is taken up for recording the settlement entered into between both sides, counsel for both sides, in appreciation of the mediation work carried out by the Mediation Centre have voluntarily consented to pay a sum of Rs.20,000/- each totalling a sum of Rs.40,000/- to the Tamil Nadu Mediation and Conciliation Centre attached to this Court. The said statement of the counsel for both sides is recorded. The plaintiff and the defendant shall pay the said amount to the credit of Tamil Nadu Mediation and Conciliation Centre, High Court, Madras within a period of three weeks from the date of receipt of a copy of this order.

6. Having regard to the fact that the plaintiff as well as the defendant 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 17.12.2014, this Civil Suit is disposed of. The report of the Mediation Centre dated 17.12.2014 shall form part of this judgment.

28-01-2016

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B. RAJENDRAN, J

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CS No. 315 of 2011

28.01.2016