

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **29.04.2016**

CORAM:

THE HONOURABLE MR. JUSTICE **T.S. SIVAGNANAM**

C.R.P.(NPD) 790 of 2015

Amalorpavam .. Petitioner

Vs

1.Tamilarasi @ Jain Luis

2.The Inspector General of Police
CGO Complex
Lodhi Road
New Delhi.

3.The Deputy Inspector General of Police
Group Centre CRPF
Yalahanka, Bangalore – 68
Karnataka State.

.. Respondents

Prayer in : Petition under section 115 of CPC, against the fair and decreetal order dated 27.01.2015 made in E.P.No.64 of 2014 in A.S.No.18 of 2013 on the file of the learned Sub Court, Poonamallee (O.S.No.26 of 2010 – DMC, Dharmapuri).

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.C.Prabakaran – R1

Mr.K.Gunasekar – R2 & R3

ORDER

Heard Mr.N.Manokaran, learned counsel appearing for petitioner, Mr.C.Prabakaran, learned counsel appearing for the first respondent and Mr.K.Gunasekar, learned counsel appearing for respondents 2 & 3.

2. The Civil Revision Petition was referred for mediation by an order dated 11.01.2016. By the untiring efforts of the dedicated mediators, the parties were able to enter into an agreement dated 18.03.2016. For better appreciation, the entire agreement is quoted herein below:

MEDIATION AGREEMENT

Date: 18.03.2016

Mediation Case No : 41/2016

Case Details : CRP [NPD] No.790/2015

Referred by : The Hon'ble Mr.Justice M.Duraiswamy

Date of Order : 22.01.2016

Parties Name : Amalorpavam – Petitioner

-Vs-

Tamilarasi @ Jain Luis
and 2 others – Respondents

Counsel Name : M/s.N.Manokaran, Advocate for the petitioner
Mr.C.Prabakaran, Advocate for 1st respondent
Mr.K.Gunasekar, Advocate for the 2nd and 3rd respondents

**JOINT COMPROMISE MEMO FILED BY THE PETITIONER AND
FIRST RESPONDENT**

The petitioner filed a suit in O.S.No.26 of 2010 against the respondents for permanent injunction restraining the defendants 2 and 3 from disbursing the death benefits, GPF, granting pending and other benefits of her son Irudhayaraj to the 1st respondent herein. The suit was decreed as prayed for. Aggrieved over the judgment and decree, the first respondent herein filed appeal in A.S.No.18 of 2013 on the file of Sub Court, Dharmapuri and the same was also dismissed confirming the judgment and decree of the Lower Court. Thereafter, Execution Petition in E.P.No.64 of 2014 was filed by the petitioner herein to execute the judgment and decree, the E.P. was dismissed on 27.01.2015. Challenging the dismissal of execution petition CRP No.790 of 2015 was filed before this Hon'ble Court. Pending revision petition, the petitioner and the first respondent have negotiated the matter through Tamil Nadu Mediation and Conciliation Centre and arrived at amicable settlement. The petitioner herein has authorized her son S.Peter Jabastian to negotiate and sign in this compromise memo on behalf of petitioner. Since, the petitioner and the 1st respondent have arrived at settlement there is no claim against the respondents 2 and 3. The terms of settlement would run as follows:

1. The petitioner and the first respondent have agreed to settle the dispute for Rs.4,25,000/- in respect of the death benefits of petitioner's son Iruthayaraj as against the original sum of Rs.5,42,610.50/-.

2.The First respondent herein has agreed to settle the amount through **(DD Demand Draft, Bearing No.325058, State Bank of India)** drawn in favour of the petitioner Amalorpavam for a sum of Rs.4,15,000/- and cash for sum of Rs.10,000/-.

3.The first respondent Tamilarasi @ Jain Louis is handing over the **(DD Demand Draft, Bearing No.325058,State Bank of India)** for the sum of Rs.4,15,000/- and cash for Rs.10,000/- to Mr.S.Peter Jabastian, son of the petitioner Amalorpavam.

4.The petitioner and the first respondent have herein after no claim against each other for any claim, right in respect of Property, Money and all other things.

5.The first respondent has relinquished all her right in respect of property right of (late)Iruthiyaraj.
Hence, the first respodnent Tamilarasi is not entitled

to claim any right or interest in the property of the petitioner and their family members. The first respondent have settled the amount of Rs.4,25,000/- to the petitioner, herein after the petitioner shall not claim any right or interest in respect of the benefits of (late) Iruthiyaraj.

Dated at Chennai on this 18th day March of 2016.

SD/

Amalorpavam

(Petitioner)

(Authorised by her Son

S.PETER JABASTIAN

SD/

N.Manokaran

(Counsel for petitioner)

SD/

The Inspector General of Police
CGO Complex
Lodhi Road
New Delhi. (first respondent)

SD/

Mr.C.Prabakaran
(Counsel for 1st Respondent)

SD/

The Inspector General of Police
CGO Complex, Lodhi Road, New Delhi.
(2nd respondent)

SD/

Mr.K.Gunasekar
(Counsel for R2 & R3)

SD/

The Deputy Inspector General of Police
Group Centre CRPF, Yalahanka, Bangalore – 68
Karnataka State. (3rd respondent)

3. Thus, the mediation agreement entered into between the parties dated 18.03.2016, is placed on record and the Original Petition is disposed of in terms of Mediation Agreement dated 18.03.2016. The Mediation Agreement dated 18.03.2016 shall form part of the order.

29.04.2016

rpa

T.S. SIVAGNANAM, J.
rpa

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