

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Tuesday, the 8th day of November, 2016

LOK ADALAT AWARD

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

The Hon'ble Mr. Justice M. THANIKACHALAM (Retd.)

Members:

Mr. E. Krishnan
Mr. M. Dhamodharan

S.A.No.1472 of 2010

(Second Appeal is filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 28.10.2010 made in A.S.No.29 of 2010 on the file of the Sub Court, Rasipuram, confirming the judgment and decree dated 26.02.2010 made in O.S.No.26 of 2007 on the file of the District Munsif Court, Rasipuram).

K.Srinivasan

..Appellant/defendant

/vs/

K.Sethuramalingam

..Respondent/plaintiff

This case is taken up for settlement before the Lok Adalat. Both parties are present. Mr. K. Rajasekaran, learned counsel appearing for the appellant alone is present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

TERMS OF THE SETTLEMENT

The appellant/defendant faced a suit before the District Munsif Court, Rasipuram, wherein a suit has been filed for recovery of a sum of Rs.95,130/-, ended in failure successively, resulting this second appeal.

2. When the second appeal is pending, in the absence of stay, it appears that the decree-holder/respondent filed an execution petition not only in this case, but also an another case, which was filed against the father of this appellant viz., Srinivasan. On that basis, the execution petition should have been terminated, recording full satisfaction, though no records have been produced before us. A joint memo of compromise is produced. The decree-holder as well as the judgment-debtor before us accepted the settlement and evidencing the same, they have also filed a joint memo in the absence of his Advocate, since not co-operated. On the basis of the joint memo, enquiring the parties, we are fully satisfied that this decree is fully satisfied and nothing survives in this appeal as rightly stated in the joint memo of compromise and recorded.

3. Recording the joint memo, this second appeal is dismissed as infructuous/as settled out of Court. The joint memo of compromise shall form part of the award. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
K.Srinivasan

Sd/-
Counsel for the appellant

Sd/-
K.Sethuramalingam

Counsel for the respondent
Party in person

This Lok Adalat award is passed in terms of the above settlement.

The Court fee paid shall be refunded to the appellant in the manner provided under 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.

Sd/-
Judge

Sd/-
Member

Sd/-
Member

*The Xerox copy of
Memo of Compromise enclosed

To
The Parties/Advocate concerned

Copy to

- 1.The Subordinate Court, Rasipuram.
- 2.The District Munsif Court, Rasipuram.
- 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

S.A.No.1472 of 2011

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