

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.1482 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.28 of 2010 on the file of the Sub Court, Rasipuram, confirming the judgment and decree dated 26.02.2010 made in O.S.No.25 of 2007 on the file of the District Munsif Court, Rasipuram).

1.R.Kaliappan(died)
2.K.Srinivasan
(as per order dated 08.11.2016,
his eldest son by name Srinivasan is brought
on record as the legal heir of the deceased
Kaliappan) ..Appellants/Appellants/Defendants

सत्यमेव जयते
/vs/

K.Sethuramalingam ..Respondent/Respondent/Plaintiff

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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

Mr.R.Kaliappan, aggrieved by the lower Courts judgments and decrees, preferred this second appeal in a money suit, where concurrent findings were given by the lower Courts. It appears as seen from the documents filed on the behalf of the appellant, when the execution petition was filed, the matter was settled between the parties and unfortunately, not reported, resulting pendency of the second appeal, even after the expire of the appellant.

2. In pursuant to the notice issued by this Forum, the appellant's son by name, Srinivasan and the respondent/plaintiff by name, Sethuramalingam present and represented that Mr.R.Kaliappan expired on 21.09.2016, evidencing the same, death certificate filed and affidavit of the son Mr.Srinivasan also filed. To represent the estate at present, the eldest son, who is in management of the joint family properties, is sufficient for the limited purpose and accordingly, Mr.Srinivasan is recorded as the legal heir of Kaliappan, for which the respondent has no objection. In fact he had received the entire amount, he has no interest in the appeal also. Similarly, the appellant has also paid the entire amount, they have also no interest in the pending litigation and in these way, the appeal became infructuous/as settled, even during the life time of Mr.Kaliappan. All the documents are 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 judgment. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

1.R.Kaliappan(died)

2.K.Srinivasan

Sd/-

Counsel for the appellants

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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.1482 of 2011

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srg 17/11/2016