

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Wednesday, the 11th day of October 2017

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.)
and

Members

Mr.G.Palaniappen
Ms.Danies Marry

AS.No.15 of 2016

(First Appeal against the Judgment and decree made in
O.S.No.742 of 2011 dated 23.10.2013 on the file of the VI
Additional Judge, City Civil Court at Chennai)
C.Swaminathan .. Defendant/Appellant

Vs.

R.Seetharaman .. Plaintiff/Respondent

On representation of the counsel both sides this case is taken up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellant, Mr.R.Sellamuthu and the learned counsel for the respondents, Mr.K.S.Kumar and Mr.K.Saravanan are present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

TERMS OF SETTLEMENT

The respondent/Plaintiff has filed a suit for the recovery certain amount, from the Defendant/Appellant before the Trial Court in O.S.No.742 of 2011 and after context the Trial Court, decreed directing the Defendant/Appellant to pay a sum of Rs.4,00,000/- with interest thereon, which was challenged by the Defendant, as appellant before the Honourable High Court, in AS.No.15 of 2016.

2. The parties, having decided to settle the case sat together settled the case between themselves and in pursuance of the same they have arrived a settlement and evidencing the same, memorandum of compromise also filed. As per the understanding

reached between the parties, which is agreed before us, they requested to pass a modified decree in terms of compromise memo. When questioned both the parties have agreed to the terms of the compromise, and they have also represented by their respective counsel, who have also contended before us, in pursuance of the memorandum of compromise a decree may be passed.

3. As represented a sum of Rs.3,00,000/- was deposited before the Trial Court, as per the direction of the Honourable High Court and the same is still in the Court deposit. The plaintiff shall withdraw this amount with interest if any, for which the defendant has no objection.

4. As per the compromise, the defendant/appellant wants the withdraw the appeal, as settled and in this case, he will get the refund of the Court fee as per the rules and regulations which is also agreed between the parties, that the refund of the amount shall be paid to the plaintiff for which the defendant / appellant has no objections.

5. On the basis of these two payments the entire decree is to be satisfied for which the plaintiff's willing to enter full satisfaction of the decree. Therefore, on the basis of the above compromise memo, a decree of Lower Court to be modified, dismissing the suit as settled.

6. The appeal suit is dismissed as settled between the parties, thereby confirming the order of the Trial court, and modifying the same decreeing for a sum of Rs.3,00,000/- (Rupees Three lakhs), instead of sum of Rs.4,00,000/- (Rupees Four lakhs) which decree shall be satisfied, on the above basis of the payments.

7. The memorandum of compromise shall form part of the decree. Accordingly, this Appeal is dismissed as settled out of Court, ordering the refund of the full Court fee, as said above.

sd/-
C.Swaminathan

sd/-
Counsel for the Appellant

sd/-
R.Seetharaman

sd/-
Counsel for the Plaintiff

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

The Court fee paid shall be refunded to the parties 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/-
Member

sd/-
Judge

sd/-
Member

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To
The parties/Advocate concerned

Copy to:

- 1.The VI Additional Judge, City Civil Court at Chennai)
- 2.The Secretary, High Court Legal Services Committee, Chennai.
- 3.The Section Officer, V.R.Section, High Court, Madras.
- 4.The Section Officer, Lok Adalat Section, High Court, Madras.+2 copies

AS.No.15 of 2016

SV (CO)
SP (23/11/2017)

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