

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Thursday the 7th day of May 2017

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE Mr.M.THANIKACHALAM (Retd.)
and

Members

Mr.M.Pugazhendi
Mrs.V.Nalini

S.A.No.1227 of 2012

(This Second Appeal is filed by the appellant against the judgment and decree dated 29.04.2011 passed in A.S.No.19 of 2010 on the file of the learned Subordinate Judge, the Nilgiris, Udhagamandalam, thereby reversing the judgment and decree dated 18.11.2009 passed in O.S.No.370 of 2004 on the file of the learned District Munsif, the Nilgiris and to set aside the same.)

R.N.Jayaprakash

... Appellant

Vs.

1.R.Jayadevan
2.R.Bhojan
3.Chithra Vijayaraj
4.B.R.Nandhi
5.J.Karchan
6.S.Balakrishnan
7.B.Raman
8.S.Ravi
9.J.Chandran
10.Lingammal
11.J.Venugopal
12.J.Sivasankaran

... Respondents

This case came up for settlement before the Lok Adalat. The learned counsel for the appellant Mr.A.Bobblie is present. No representation for the respondents.

JUDGMENT

The appellant/plaintiff has filed a suit for partition of his share in the suit properties, which ended in a preliminary decree, challenged by some of the defendants, where the decree and judgment of the trial Court were upset, which followed by the second appeal by the appellant/plaintiff.

2.This case was made over for settlement to the Lok Adalat in the month of August 2005. From the said date, the case was pending without any progress despite notice was served.

3.Today Mr.A.Bobblie, learned counsel for the appellant/plaintiff makes a statement that the parties have settled the matter between themselves and in view of the settlement arrived at by themselves, the appeal has to be dismissed as not pressed.

4.Generally, we insist the presence of the parties when we record a promise pursuant to the settlement. In this case, according to the learned counsel for the appellant, though there was a settlement between the parties, it need not be recorded here and the result alone will be sufficient for the disposal of the case. Since the appellant/plaintiff himself, who had initiated the case, wants to withdraw the appeal, there cannot be any objection for the respondents/defendants since their rights in the suit properties are not going to be affected.

5.In this view of the matter, even for the absence of the parties, the appeal can be disposed of since the disposal of the appeal is not going to affect anybody and if at all can affect the appellant and since the appellant himself is not pressing, the appeal, which is not going to hurt him.

6. Recording the submission made by Mr.A.Bobblie, learned counsel for the appellant and considering the endorsement made in the memorandum of appeal viz., "may be dismissed as not pressed", the appeal is dismissed as not pressed. The second appeal is disposed of accordingly.

Sd/-
Judge

Sd/-
Member

Sd/-
Member

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

To

The parties/Advocate concerned
Copy to

1.The Secretary,
High Court Legal Services Committee,
Chennai.

2.The Section Officer,
V.R.Section,
High Court,
Madras.

3.The Section Officer,
Lok Adalat Section,
High Court, Madras. (+2 copies)

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