

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-I organised by the High Court Legal Services Committee
Friday, the 14th July, 2017
LOK ADALAT AWARD
(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided by

The Hon'ble Mr.JUSTICE S.MARIMUTHU (Retd.)
and

Members

Mr.Ramalingam
Mr.M.Sankar

S.A.No.734 of 2002

This second appeal is filed against the judgment and decree dated 18.01.2002 passed in A.S.No. 182 of 1999 on the file of IV Additional Judge, City Civil Court, Chennai confirming the Judgment and decree dated 09.07.1999 in OS.No.4435 of 1996 on the file of II Assistant Judge, City Civil Court, Chennai.

- 1.B.Vijayalakshmi
- 2.S.Baskar (Deceased)
- 3.B.Kirankumar
- 4.Hamalatha leo paul
- 5.Mrs.Gayathri
- 6.Mrs.Devi Priya Reddy

Appellant No.1 recorded as LR of the deceased 2nd appellant and appellants 3 to 6 brought on record as Lrs of 2nd appellant by ordered date 09.04.2010 made in CMP.No.526/2010 ... Appellant

MIC Investments and Constructions Private Limited
rep by its director Ms. Kavitha.H. Shah rep by director
No 8, Nungambakkam High Road
Chennai 34.

... Respondents

This case came up for settlement before the Lok Adalat. Both the parties present. Learned counsel for the appellants Mrs.Narmadha Sampath and learned counsel for the respondents Mr.V.Rajkumar 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 facts of the dispute in short is as follows.

1. M/s.MIC Investment and constructions private limited was represented by its director Mr.U.C.Mehta. The disputed property

situated at door No.7 Gangai Amman colony Madras belongs to one Mrs. Vijayalakshmi(the appellant herein). The above said MIC Investment & constructions private limited advanced a loan of Rs.1,20,000/- to Mrs. Vijayalakshmi with an agreement that the principal and interest could be returned to the Investment company. As agreed the loan amount with interest was not repaid.

2. Therefore, the above said investment company filed a suit in O.S.No.469 of 1983 in the City Civil Court of Madras as against the Mrs. Vijayalakshmi and her husband Mr.Baskar and the suit was decreed. To satisfy the decree to the tune Rs.2,50,000/- a sale deed was executed by Mrs. Vijayalakshmi infavour of the MIC with an understanding that the possession of the property could be delivered to the MIC within a period of two years.

3. As agreed Mrs. Vijayalakshmi did not deliver the possession to MIC Investment within 2 years. Therefore, MIC Investment filed a suit for recovery of possession in O.S.No.4435 of 1996 on the file of the City Civil Court. The above said suit was decreed against Mrs.Vijayakshmi and her husband Mr.Baskar. Challenging the Judgment and decree an appeal was filed in A.S.No.182 in the City Civil Court, Madras-4. The appeal after contest was dismissed.

4. A second appeal was filed by Mrs.Vijayalakshmi on the file of the High Court Madras, Pending the Second Appeal No.734 of 2002, the second defendant Mr.Baskar died and his legal heirs Mrs.Hemalatha Leo Paul, Mrs. Devi Priya Reddy, Mr.B.Kirankumar, Mrs.Gayathri were brought on record. Thereafter the director of MIC Mr.Mehta also died, one of his legal heirs Mrs.Kavitha Shah was brought on record. At this stage the dispute came up before this forum for settlement. The 6th appellant Mrs.Devi Priya Reddy has not appeared but she is represented by her sister Mrs.Hemalatha Leo Paul as her Power Of Attorney(the original has been placed for this forum's perusal) and however a photo copy has been placed on record of this forum.

5. A copy of death certificate of Mr.U.C.Mehta, and a copy of death certificate of Mrs.Pushpa Mehta have also been submitted. The parties could be able to produce the legal heir certificate of Mrs.Pushpa Mehta, Mr.U.C.Mehta pre deceased Mrs.Pushpa Mehta, and daughters of Mr.U.C.Mehta are the class-I legal heirs of the deceased as on 24.06.2013, and no other heirs were left behind at the time of the death. All other parties to this dispute and their respective counsel are present before this Forum on 14.07.2017, for discussion of settlement and accordingly the matter is compromised before this forum.

6. The compromise was also reduced into writing as a Memorandum of compromise signed by the parties and the

respective counsel and said Memorandum of compromise shall form part of the award passed in terms of compromise.

7. On such payment, this Second Appeal shall stand disposed of as settled. Consequently connected miscellaneous petitions are closed.

sd/-

1.B.Vijayalakshmi

sd/-

2.B.Kirankumar

sd/-

3.Hamalatha leo paul

sd/-

4.Mrs.Gayathri

sd/-

5.Mrs.Devi Priya Reddy Counsel for the Appellants

MIC Investments and Constructions Private Limited
rep by its director deceased Mr.U.C.Mehta 24.06.2013

sd/-

Sharmila Bohra

sd/-

Saritha sancheti

sd/-

Kavitha shah

sd/-

Simla surana Counsel for the Respondents

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/-

Judge

sd/-
Member

sd/-
Member

-s/d-

Assistant Registrar(LA)

True Copy

Sub-Assistant Registrar

To

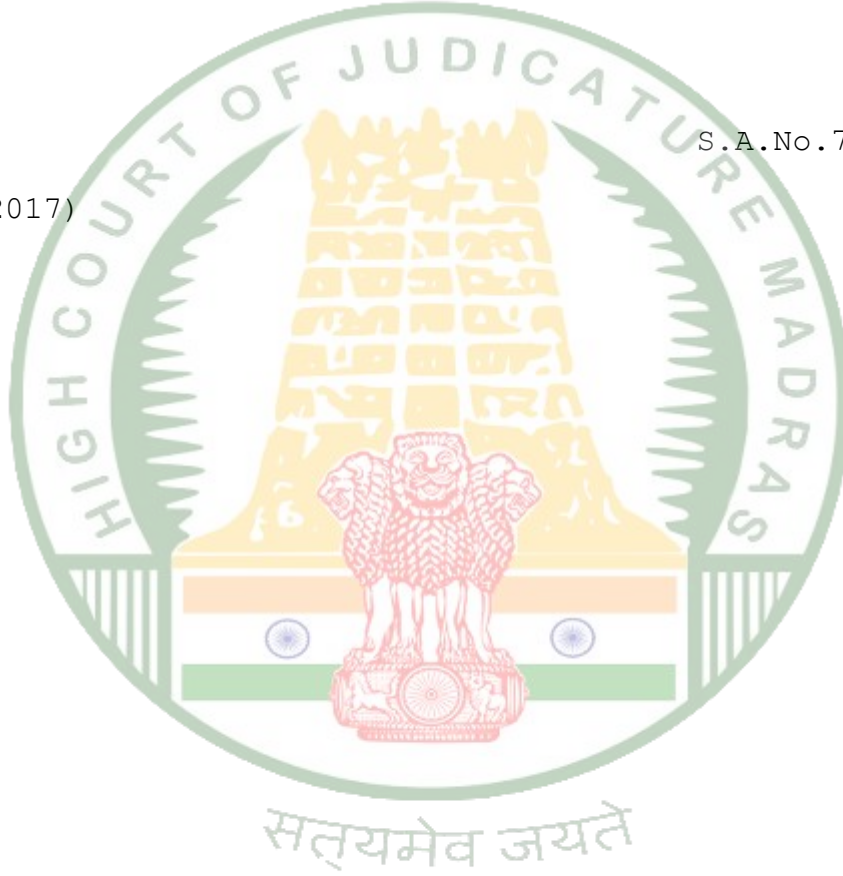
The parties/Advocate concerned

Copy to

1. (IV Additional Judge, City Civil Court, Chennai,)
2. (II Assistant Judge, City Civil Court, Chennai).
- 3.The Section Officer, Appellate side Section, High Court, Madras.
- 4..The Secretary, High Court Legal Services Committee, Chennai.
- 5.The Section Officer, V.R.Section, High Court, Madras.
- 6.The Section Officer, Lok Adalat Section, High Court, Madras.+2copies

S.A.No.734 of 2002

SP(07/09/2017)



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