

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 06th day of July 2018

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR (Retd.)

Members

Mr. V. Pauldas
Ms. A.C. Jayalakshmi

A.S.No.274 of 2018 and CMP.No.5886 of 2018

Appeal Suit has been filed under Section 96 of C.P.C against the judgement and decree dated 14.02.2018 made in LAOP.No.5 of 2012 on the file of the VI Assistant City Civil Judge, Chennai.

1. Seena Hariharan
2. Sone .. Appellants/Claimants 3

Vs.

1. The Land Acquisition Officer &
Special Tahsildar (L.A.)
Chennai Unit - II,
C/o Chennai Metro Rail Limited,
Gopalapuram, Chennai.

2. K.V.Sundeeep

3. K.V.Sunil .. Respondents /Referring
Authority Claimants 1 and 2

This case came up before the Lok Adalat. Mr.S.Venkatesh, Counsel for the appellants and Mr.D.Gopinath, Counsel for the respondents 2 and 3 are present.

TERMS OF SETTLEMENT

Parties viz., 1. Seena Hariharan, 2. Soni, 3. K.V.Sundeeep and 4. K.V.Sunil are present. Mr.S.Venkatesh, Counsel appearing for the appellants and Mr.D.Gopinath, Counsel appearing for the respondents are present.

2. Memo of Compromise filed reads as follows:-

a) The 2nd and 3rd respondents in A.S.No.274 of 2018 and claimants 1 and 2 in LAOP.No.5 of 2012 in wholeheartedly willing to relinquish the entire compensation awarded to them by the Learned VI Assistant City Civil Judge to in favour of the appellants in A.S.No.274 of 2018 and claimants 3 and 4 in LAOP.NO.5 of 2012 along with interest for the amount deposited by the first respondent in award No.3 of 2011 for 645 sq.ft. of land and building forming part of 2666 sq.ft of Land and Bulding situated at Door No.11/19, Mount Road, Little Mount, Chennai -15.

b. The appellants had already surrendered their rights to the respondents 2 and 3 for balance of 2021 sq.ft. Of Land and Building situated at Door No.11/19, Mount Road, Little Mount, Chennai - 15, which is the subject matter of O.S.No.1163 of 2009 which also forms part of and a compromise decree has also passed by the learned IV Assistant City Civil Judge on 18.06.2018.

c. The 2nd and 3rd respondents has no objections to award the entire compensation amount of Rs.69,94,631/- along with interest to the Appellants which will be equally divided among the appellants. The 2nd and 3rd respondents will render full cooperation to the 1st respondent for distributing the compensation to both the appellants.

d. The 2nd and 3rd respondents are wholeheartedly willing to pass a decree to the above extent in favour of the appellants as mentioned above in A.S.No.274 of 2018 in LAOP.No.5 of 2012.

e. Appellant request the Hon'ble Lok Adalat Forum to order the return of court fees amounts which was paid by the appellants in view of the compromise arrived between the appellants and respondents.

3. In view of the above compromise memo, the parties have settled the dispute in the following manner:-

(1) Seena Hariharan and Soni are entitled to a sum of Rs.69,94,631/- with accrued interest lying in LAOP.No.5 of 2012 on the file of VI Assistant City Civil Judge, Chennai in A.S.No.274 of 2018 on the file of the High Court, for which, K.V.Sundeeep and K.V.Sunil, have no right, as they have relinquished their right over the same due to compromise.

(2) K.V.Sandeep and K.V.Sunil are entitled to absolute right over the land and building to an extent of 2021 sq.ft (2666 sq.ft - 675 sq.ft acquired by the Government / first respondent) in Door No.11/19, Mount Road, Little Mount, Chennai - 15 in O.S.No.1163 of 2009 on the file of the IV Assistant City Civil Judge, Chennai, for which, Seena Hariharan and Soni have no right as they have relinquished their right over the same due to compromise.

(*) (3) The 2nd and 3rd respondents has no objections to award the compensation amount of Rs.69,94,631/- along with interest to the appellants which will be equally divided among the appellants. The 2nd and 3rd respondents will render full cooperation to the 1st respondent for distributing the compensation to both the appellants.

4. The signature of the first respondent / Government is not required in this regard, as the dispute between the parties have settled amicably. The Compromise Memo shall form part of the decree.

5. In view of the above compromise, the Appeal Suit is disposed of. Consequently connected miscellaneous petition is closed.

6. The full Court fee paid shall be refuned to the appellants in the manner provided under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and 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/-
1. Seena Hariharan

Sd/-
2. Sone

Sd/-
Counsel for the Appellants

Sd/-
1. K.V.Sundeeep

Sd/-
2. K.V.Sunil

Sd/-
Counsel for Respondents 2 and 3

Sd/-
MEMBERS

Sd/-
JUDGE

Sd/-
MEMBERS

Sd/-
Assistant Registrar(CS IV)
(dated: 10.07.2018)

**(*) 3rd para included as per order dated 11.08.2018
and made in AS.274 of 2018**

Sd/-
Assistant Registrar(CS IV)
(dated: 14.08.2018)

//True Copy//

Sub Assistant Registrar

The Parties/Advocate concerned

Copy to

To

1. The Land Acquisition Officer &
Special Tahsildar (L.A.)
Chennai Unit - II,
C/o Chennai Metro Rail Limited,
Gopalapuram, Chennai.

**to be substituted to
The order already
despatched on
10.07.2018**

- 2.The Secretary,
High Court Legal Services Committee,
Chennai.

- 3.The V.R. Section,
High Court,
Madras.

- 4.The Section Officer,
Lok Adalat Section,
High Court, Madras. (+2 Copies)

A.S.No.274 of 2018
and CMP.No.5886 of 2018

nm[co]
srg 10/07/2018

TR(14/08/2018)

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