

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Thursday, the 20th day of September 2018

LOK ADALAT AWARD

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

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

Members

Mr.M.Mohamed Ismail,
Mr.S.R.Sundaram

CRP.Nos.3246 and 3247 of 2011

Prayer in CRP.No.3246 of 2011 : This Civil Revision Petition has been filed against the decree and fair order dated 19.01.2011 of the learned District Munsif at Attur in I.A.No.505 of 2010 in O.S.No.287 of 2001.

1. Natesan (Died)
1. Sellam
2. Bhuvaneswari
3. Kanaga
4. Sumathi

... Plaintiffs/Petitioners in
CRP.No.3246 of 2011

Vs.

1. Superintending Engineer,
Tamilnadu Electricity Board,
Dr.Subrayan raod, Salem,
2. The Divisional Enginner,
Tamil Nadu Electricity Board,
Valapadi Post and Taluk,
Salem District.
3. The Assistant Division Engineer,
Tamil Nadu Electricity Board,
Valapadi Post and Taluk,
Salem District.

4. The Assitant Engineer,
Tamil Nadu Electricity Board,
Thimmanaickenpatty Post,
Namakkal District. .. Defendants/Respondents in
CRP.No.3246 of 2011

Prayer in CRP.No.3247 of 2011 : This Civil Revision Petition has been filed against the decree and fair order dated 19.01.2011 of the learned District Munsif at Attur in I.A.No.506 of 2010 in O.S.No.287 of 2001.

1. Natesan (Died)
1. Sellam
2. Bhuvaneswari
3. Kanaga
4. Sumathi ... Plaintiff/Petitioners in
CRP.No.3247 of 2011

Vs.

1. Superintending Engineer,
Tamilnadu Electricity Board,
Dr.Subbrayan road, Salem,
2. The Divisional Engineer,
Tamil Nadu Electricity Board,
Valapadi Post and Taluk,
Salem District.
3. The Assistant Division Engineer,
Tamil Nadu Electricity Board,
Valapadi Post and Taluk,
Salem District.
4. The Assitant Engineer,
Tamil Nadu Electricity Board,
Thimmanaickenpatty Post,
Namakkal District.

.. Defendants/Respondents in
CRP.No.3247 of 2011

These cases are not listed today. By consent of both parties and their counsel, these are taken up for settlement before the Lok Adalat. Both the parties are present. Mr. Asaithambi, learned counsel for the petitioners and M/s V.Viswanathan and S.R.Shanmugadoss, learned counsel for the respondents in both CRPs. are present.

TERMS OF SETTLEMENT

The revision petitioners herein are the legal heirs of the deceased Natesan who filed a Civil Suit in O.S.No.287 of 2001 before the District Munsif Court at Attur for the declaring that the demand made by the respondent is null and void. It is stated that the respondent officials headed by the Assistant Executive Engineer, Tamilnadu Electricity Board after inspection of the theft of energy, after calculating loss of energy he caused a notice to the plaintiff (deceased Natesan) directing him to pay the amount of Rs.2,15,730/-. Aggrieved the said notice issued by the Assistant Engineer, Tamilnadu Electricity Board, the above stated Natesan (subsequently died pending the suit) filed the above suit. Pending the suit before the said court, the legal heirs of the deceased approached the Court and filed two Interim Applications. 1) I.A.No.505 of 2010 to condone the delay of filing legal heirs petition and another petition I.A.No.506 of 2010 filed for impleading the legal heirs of the deceased Natesan. Learned District Munsif not satisfied the reason stated by the wife and daughters of the said Natesan dismissed both the petitions. As against the order of dismissal passed by the learned District Munsif, Attur, the wife and daughters of the said Natesan preferred these Civil Revision Petitions, viz., CRP(NPD)Nos.3246 and 3247 of 2011 before this Forum.

2. When this petitions taken up for the hearing, learned counsel for the petitioners as well as the learned counsel appearing for the respondent present. Both the counsel have stated that the matter has been compromised between the revision petitioners and the respondents. Learned counsel appearing for the respondents would submit that the amount fixed by the Tamilnadu Electricity Board towards the loss of energy caused by the above said Natesan a sum of ***Rs.2,15,730/-** has to be paid by the wife and daughters of the deceased Natesan. Further the counsel would submit that as far as the interest towards the said money is concerned, that amount can be waived.

3. Learned counsel appearing further revision petitioners would submit that the revision petitioners would pay a sum of Rs.50,000/- towards the cost of loss of energy on 25.09.2018 before the concerned authority. The balance amount has to be paid by the revision petitioners on three installments on or before 31.12.2018. This terms and conditions stated above has been accepted by the learned counsel appearing for the respondents. Further, the learned counsel appearing for the respondent would submit that as far as restoration of the electricity connections (3 connections) that can be restored only after the payment of the entire amount.

4. In this juncture, both counsels filed a joint memo accepting the terms and conditions of the agreement. The said Memo filed by the parties is recorded. Further, learned counsel appearing for the revision petitioners would submit that based on the authorisation given by the mother and other sisters the elder daughter of the deceased Natesan signed in the memo of compromise.

5. On a careful consideration of the reasons as well as avernments referred in the Joint Memo paragraph 1 to 3. This court is inclined to pass the following order:-

1. The revision petitioner shall pay the amount a sum of Rs.50,000/- on 25.09.2018.

2. As far as the balance amount is concerned they have to pay the said amount on three installments.

3. After paying the entire amount to the concerned authority is concerned is directed to restore the electricity connections in favour of the revision petitioners. With the above stated terms and conditions, the revision petitions are disposed of.

Sd/-
Bhuvaneswari

Sd/-
Counsel for the petitioners in both CRPs.

Sd/-
1. Superintending Engineer,
Tamilnadu Electricity Board,
Dr.Subrayan raod, Salem,

Sd/-
2. The Divisional Enginner,
Tamil Nadu Electricity Board,
Valapadi Post and Taluk,
Salem District.

Sd/-
3. The Assistant Division Engineer,
Tamil Nadu Electricity Board,
Valapadi Post and Taluk,
Salem District.

Sd/-

4. The Assitant Engineer,
Tamil Nadu Electricity Board,
Thimmanaickenpatty Post,
Namakkal District.

Sd/-

Counsel for the respondents
in both CRPs.

Sd/-
Judge

Sd/-
Member

Sd/-
Member

*The xerox copy of the Joint
Memo of compromise enclosed

Sd/-

Assistant Registrar
Dated: 12.11.2018

* The Amount corrected as per
the order of this court dated
20.12.2018 made in CRP.No.3246
& 3247/2011.
sd/- Assistant Registrar
Dated: 13.02.2019.

//True Copy//

Sub Assistant Registrar

To: The parties/Advocate concerned
Copy to:

1. Superintending Engineer,
Tamilnadu Electricity Board,
Dr.Subbrayan road, Salem,
2. The Divisional Enginner,
Tamil Nadu Electricity Board,
Valapadi Post and Taluk,
Salem District.
3. The Assistant Division Engineer,
Tamil Nadu Electricity Board,
Valapadi Post and Taluk,
Salem District.

To be substituted to
the order already
despatched on 28.11.2018

4. The Assitant Engineer,
Tamil Nadu Electricity Board,
Thimmanaickenpatty Post,
Namakkal District.

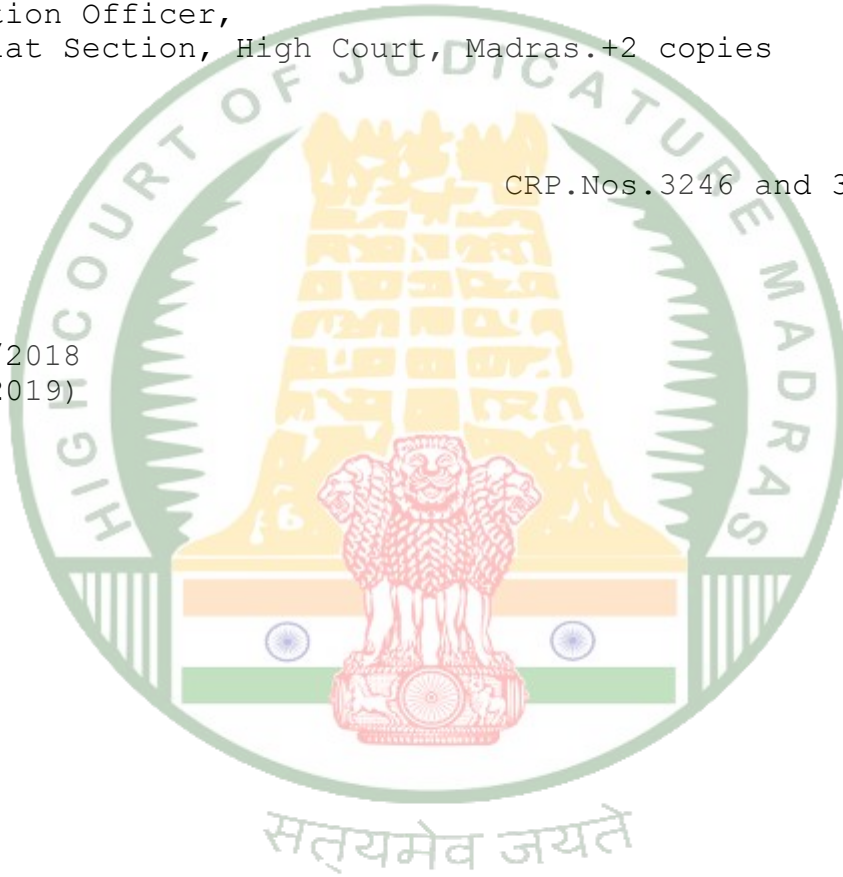
5.The Secretary,
High Court Legal Services Committee, Chennai.

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

7.The Section Officer,
Lok Adalat Section, High Court, Madras.+2 copies

CRP.Nos.3246 and 3247 of 2011

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SP(13/02/2019)



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