

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat organised by the High Court Legal Services Committee
Friday, the 12th day of January 2018
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.M.Ramachandran
Ms.D.Prasana

A.S.No.194 of 2009

Appeal Suit has been filed under Section 96 of C.P.C against the judgement and decree dated 28.08.2008 passed in O.S.No.354 of 2006 on the file of Additional District Judge, Fast Track Court, No.I,Chengalpattu.

1. V.Ramachandra Naickar(Died)
 2. R.Kaliammal
 3. R.Mari
 4. Kanniammal
 5. Manonmani
- ... Appellants/Defendants

The appellants 2 to 5 are recorded as LRs of the deceased 1st appellant vide order of Lok Adalat dated 12/01/2018 made in As.No.194/09

Vs.

1. J.Srinivasan
 2. S.Gomathy
- ... Respondents/Plaintiffs

This case is not listed today. By consent of both the parties and their counsel, this case is taken up for settlement before the Lok Adalat. Mr.M.Rajasekar, Counsel for the appellants and Saurabmishna for R.Thiagarajan, Counsel for the Respondents 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 appellants appear to have executed a sale agreement in favour of the respondents / plaintiffs and on that basis a suit came to be filed for specific performance, which had ended in a decree, challenged by way of appeal.

2. When the appeal is pending, the first appellant died, leaving behind appellants 2 to 5 as his legal representatives. This was reported before us by way of memo and recorded. Office is directed to make necessary corrections in the original appeal memorandum.

3. When the matter came up before the Hon'ble High Court on 11.01.2018 the parties have appeared before the Hon'ble Judge and a memorandum of compromise was also filed and signed by the parties. All the appellants are present even before me. The plaintiffs, respondents though signed in the Memorandum of Compromise, as agreed by their counsel, viz., Saurabmishna, representing R.Thiagarajan consented that the parties were present and signed in the Joint Memo of Compromise, which is also recorded by the Hon'ble Judge.

4. Only in order to get the refund of full court fee, the Hon'ble High Court has directed the parties to appear before the Lok Adalat on 12.01.2018, i.e. today. In compliance of the order, as said above, appellants and their counsel as well as representing counsel for the respondents present and their presence as well as memo of compromise is recorded.

5. In pursuance of the compromise, as submitted before me, the order of the Trial Court has to be set aside for that appeal has to be allowed and the suit has to be dismissed, i.e. the essence of Memorandum of Compromise.

6. In view of the Joint Memo of Compromise, the appeal is allowed, decree is set aside, suit dismissed. Thus, the appeal is disposed of accordingly.

7. The Joint Memo of Compromise shall form part of this decree.

8. Learned counsel for the appellants would make a submission that the court fee refund may be issued in favour of Kanniammal, which is agreed. Hence, office is directed to issue court fee certificate, as per direction given below to Kanniammal, fourth appellant herein.

9. In view of the Joint of Memo of Compromise signed by the parties signatures in this order is dispensed with.

-s/d-

Counsel for the Appellants

-s/d-

Counsel for the Respondents

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

The full Court fee paid shall be refunded to the fourth appellant Kanniammal 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.

-s/d
Member

-s/d
Judge

-s/d
Member

***herein enclose xerox
copy of Joint Memo of Compromise**

Sd/-
Assistant Registrar
//True Copy//
Sub Assistant Registrar

To: The parties/Advocate concerned
Copy to:

1. The Additional District Judge,
Fast Track Court, No.I, Chengalpattu.
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

A.S.No.194 of 2009

sj(co)
aa24/04/2018

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